



*Speckin Forensic Laboratories*

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FORT LAUDERDALE, FLORIDA 33301  
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November 02, 2011

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COMPUTER & GRAPHICS SPECIALIST

DANIEL D BREMER, Attorney at Law  
1133 E Bristol Road  
Burton, MI 48529

Reference: PEOPLE V. OMAR RASHAD POUNCY  
Our File Number: 20110220

Evidence Submitted:

One color photograph depicting a partial footwear impression (questioned Impression).

Examination Task:

The examination task was to attempt to determine the type/brand of shoe depicted in the photograph and further attempt to determine the approximate size of the shoe and determine if this impression could have been made by a size 13 or 13 ½ shoe.

Results of Examination:

The questioned impression depicted in the photograph was that of a right athletic type shoe. Using the Foster & Freeman Crimeshoe Database, the shoe pattern depicted most closely matched those found on Puma brand GW models and Puma brand Urban Mosey Leather shoes (See attached report for specific information).

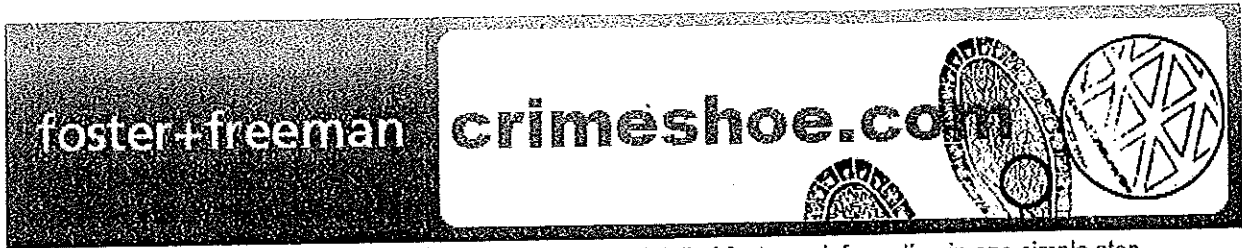
There was a ruler (scale) positioned properly within the photograph thus allowing for measurements to be made. The questioned shoe measured approximately 10 7/8 inches in length and 3.5 inches in width at the ball. Shoes similar to the above described Puma GW shoes were obtained in various sizes for comparison purposes. The known size 9 Puma measured 11 inches in length and 3.5 inches at the ball and the known size 13 Puma measured 12 ¼ inches in length and 4 inches at the ball. After review, comparison, and measurements of numerous shoes, it was determined that the questioned impression was made by a size 9 or smaller shoe and could not have been made by a size 13 or 13 ½ shoe.

DANIEL D BREMER



2

Roger J. Bolhouse  
Forensic Analyst & Consultant



From an unidentified scene-of-crime shoe print to detailed footwear information in one simple step

## Search Results

[Click here to visit crimeshoe.com](http://crimeshoe.com)

Entry Reference Number:	20010220-People v Pouncy (10019)
Date Submitted:	25 <sup>th</sup> October 2011
Number Images Submitted:	1
Result:	Information
Number pages:	8
Comments:	The analysis of the submitted print has produced information on two models of footwear. Both records are of footwear produced by Puma.

### FEEDBACK

**Click here to provide us with feedback on this report.**

Information provided here is taken from the SoleMate reference database, which is available for purchase via your local Foster & Freeman representative.

All shoeprint records presented in this document are suggested examples of footwear that in some way match the shoeprint images submitted. No implication is made that these are the only possible matches. The contents of this document should be seen as intelligence only and used in that manner.

The contents of this document, in any form, may not, except for legitimate purposes connected with detecting the crime referenced above, be copied, reproduced, transferred, distributed or stored without the prior written permission of Foster & Freeman Limited

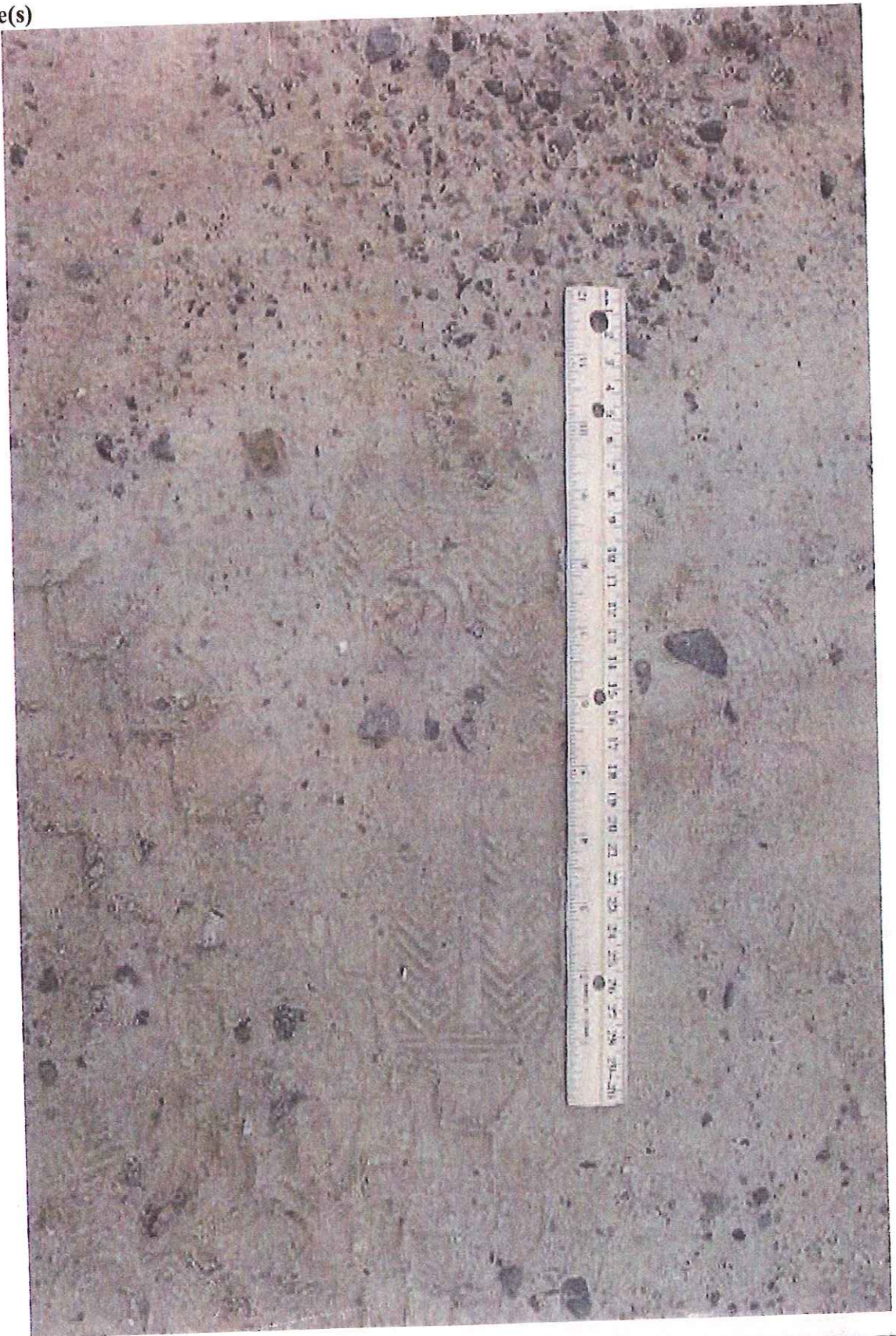
**foster+freeman**



Original Image(s)

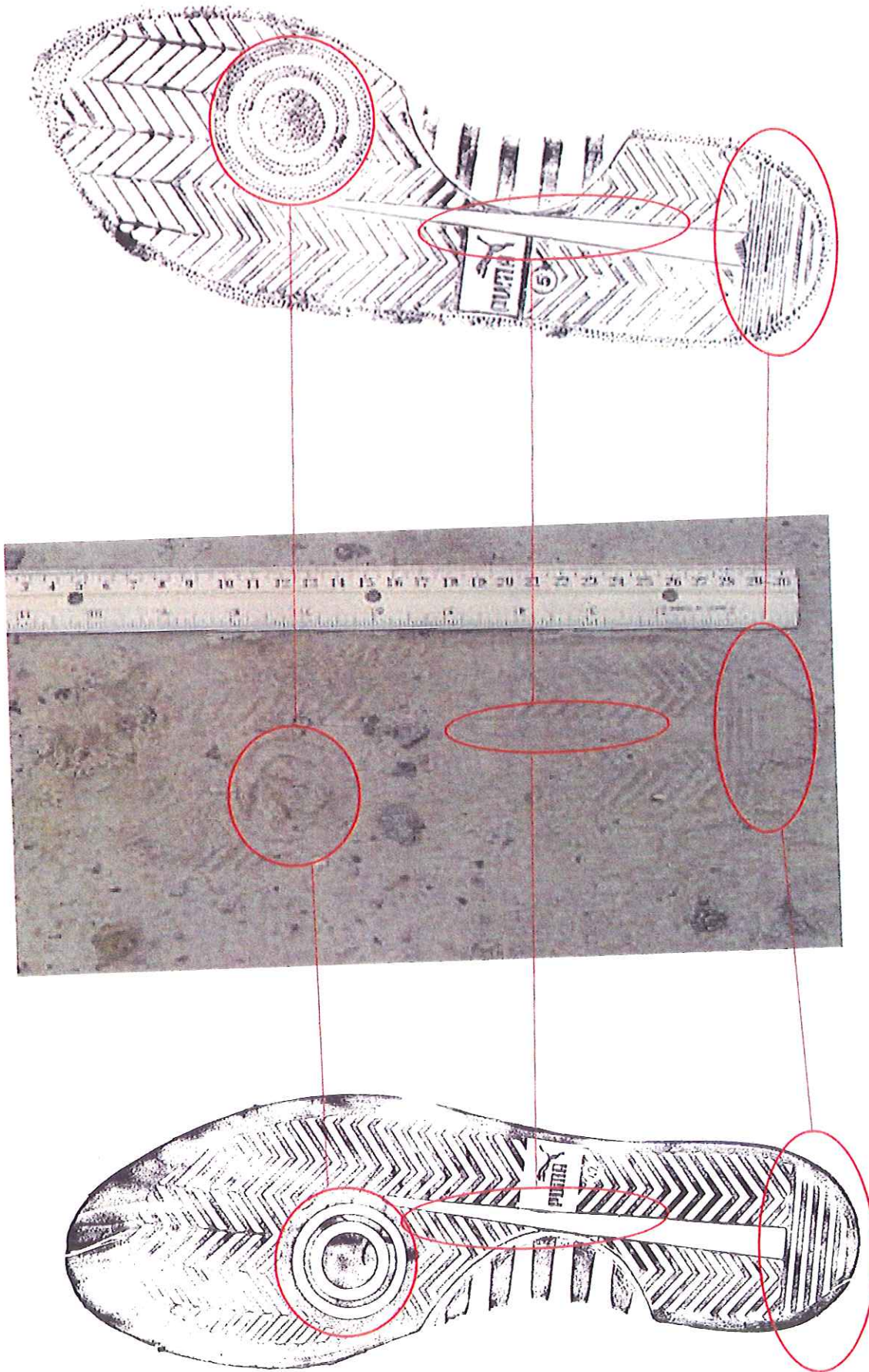
F:\DDPW\PICTURES\05-4219-SHOE PRINT.JPG

SHOE PRINT DEAD END OF KELLAR





Comparison Image



foster + freeman

**Result (1)**

**Reference:** 3/Puma 17

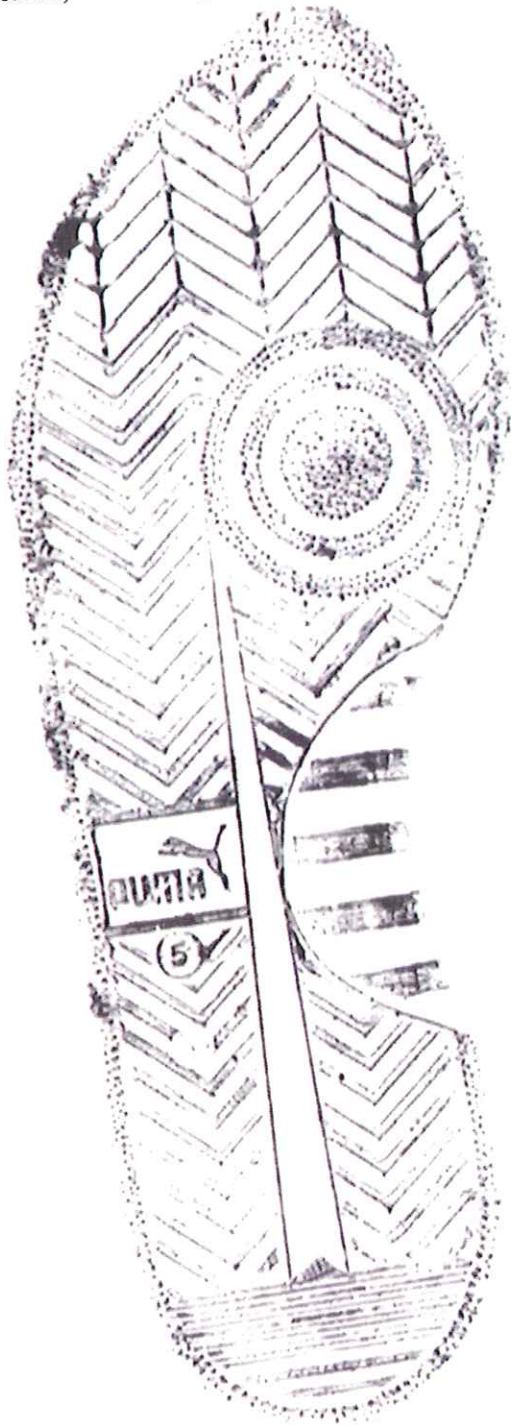
**Manufacturer's Name:** Puma

**Model Name:** G.V. Suede, G.V. Special, GW Leather, California, G. Vilas (349279)

**Notes:** G.V. Special - In-Store Summer 2002

GW Leather - In-Store October 2003

California, G. Vilas (349279- Q1 2011



Sole



Sole (Photo)

foster+freeman





GV Suede (Uppers)

foster+freeman





GV Leather (Uppers)

foster+freeman



**Result (2)**

**Reference:** 39/Puma/1u

**Manufacturer's Name:** Puma

**Model Name:** Urban Mosey Leather (351999)

**Notes:** Urban Mosey Leather (351999) - Q1 2011



Sole



Sole (Photo)



Urban Mosey Leather (Uppers)

foster+freeman





10/18/2005 09:17

908-203-5860

VERIZON WIRELESS

Page 1

A	B	C	D	E	F	G	H
Switch	Date	Time	Dir	MDN	Called #	CPN	SZI
1	9/24/2005	3:30:55 PM MO		(810) 348-9846	(810) 955-5644	(810) 348-9846	105
2	9/24/2005	2:57:11 PM MO		(810) 348-9846	348-9846	(810) 348-9846	73
3	9/24/2005	2:57:11 PM MO		(810) 348-9846	(810) 955-5644	(810) 348-9846	235
4	9/24/2005	2:57:11 PM MO		(810) 348-9846	(810) 955-5644	(810) 348-9846	43
5	9/24/2005	2:18:12 PM MT		(810) 348-9846	(810) 402-2931	(810) 658-1596	22
6	9/24/2005	2:00:30 PM MT		(810) 348-9846	(810) 402-2963	(810) 955-5644	60
7	9/24/2005	1:41:48 PM MO		(810) 348-9846	(810) 955-5644	(810) 348-9846	26
8	9/24/2005	1:39:21 PM MO		(810) 348-9846	(810) 955-5644	(810) 348-9846	117
9	9/24/2005	1:37:02 PM MT		(810) 348-9846	(810) 648-9898	(810) 955-5644	36
10	9/24/2005	1:07:09 PM MT		(810) 348-9846	(810) 402-2975	(810) 736-3648	30
11	9/24/2005	12:59:09 PM MT		(810) 348-9846	(810) 402-2945	(810) 836-5074	46
12	9/24/2005	12:57:20 PM MT		(810) 348-9846	(810) 402-2963	(810) 836-5074	22
13	9/24/2005	12:49:02 PM MO		(810) 348-9846	742-8725	(810) 348-9846	22
14	9/24/2005	11:45:52 AM MT		(810) 348-9846	(810) 402-2922	(810) 836-5074	80
15	9/24/2005	11:05:51 AM MO		(810) 348-9846	513-0886	(810) 348-9846	65
16	9/24/2005	10:56:52 AM MT		(810) 348-9846	(810) 402-2948	(810) 742-8725	70
17	9/24/2005	10:52:46 AM MO		(810) 348-9846	742-8725	(810) 348-9846	72
18	9/24/2005	10:26:16 AM MT		(810) 348-9846	(810) 402-2933	(810) 836-5074	73
19	9/24/2005	10:21:37 AM MT		(810) 348-9846	348-9846	(810) 444-8621	8
20	9/24/2005	10:20:23 AM MO		(810) 348-9846	618-9257	(810) 348-9846	35
21	9/24/2005	10:19:18 AM MO		(810) 348-9846	(810) 444-8621	(810) 348-9846	58
22	9/24/2005	10:14:25 AM MT		(810) 348-9846	(810) 402-2996	(810) 742-8725	123
23	9/24/2005	8:01:57 PM MO		(810) 348-9846	(810) 348-9846	(810) 348-9846	23
24	9/23/2005	8:00:35 PM MO		(810) 348-9846	(810) 348-9846	(810) 348-9846	116
25	9/23/2005	5:51:11 PM MT		(810) 348-9846	(810) 402-2994	(810) 836-5074	37
26	9/23/2005	4:57:25 PM MO		(810) 348-9846	743-6090	(810) 348-9846	81
27	9/23/2005	4:42:28 PM MO		(810) 348-9846	743-4622	(810) 348-9846	54
28	9/23/2005	4:37:13 PM MO		(810) 348-9846	743-6090	(810) 348-9846	28
29	9/23/2005	4:25:24 PM MO		(810) 348-9846	618-9257	(810) 348-9846	7
30	9/23/2005	3:46:39 PM MO		(810) 348-9846	743-4622	(810) 348-9846	2
31	9/23/2005	3:43:22 PM MO		(810) 348-9846	743-4622	(810) 348-9846	5
32	9/23/2005	3:35:49 PM MO		(810) 348-9846	743-4622	(810) 348-9846	3
33	9/23/2005	3:33:28 PM MO		(810) 348-9846	743-4622	(810) 348-9846	6
34	9/23/2005	3:32:23 PM MO		(810) 348-9846	743-4622	(810) 348-9846	7
35	9/23/2005	3:31:49 PM MO		(810) 348-9846	743-4622	(810) 348-9846	7
36	9/23/2005	3:31:05 PM MO		(810) 348-9846	743-4622	(810) 348-9846	7

EXHIBIT

13

10/18/2005 09:17 988-2 5860

VERIZON WIRELESS

Page 2

	A	B	C	D	E	F	G	H
	Switch	Date	Time	Dir	MDN	Called #	CPN	Szr
1	Detroit8	9/23/2005	3:30:29 PM MO		(810) 348-9846	743-4622	(810) 348-9846	21
37	Detroit8	9/23/2005	3:30:02 PM MO		(810) 348-9846	743-4622	(810) 348-9846	21
38	Detroit8	9/23/2005	3:30:02 PM MO		(810) 348-9846	743-4622	(810) 348-9846	36
39	Detroit8	9/23/2005	3:30:02 PM MO		(810) 348-9846	743-4622	(810) 348-9846	32
40	Detroit8	9/23/2005	12:19:55 PM MO		(810) 348-9846	743-7962	(810) 348-9846	82
41	Detroit8	9/23/2005	11:51:21 AM NO		(810) 348-9846	743-7962	(810) 348-9846	145
42	Detroit8	9/23/2005	9:35:30 AM NT		(810) 348-9846	(313) 402-2959	(810) 658-1596	37
43	Detroit8	9/23/2005	9:20:55 AM NM		(810) 348-9846	241-6157	(810) 348-9846	



*Verizon Wireless*

Explanation Form

SWITCH	DATE	TIME	DIR	MDN	CALLED #	CPN	SZR
This is the switch that the call is hitting off of.	This is the date of the call.	This is the start time of the call.	MO=Outbound call	This is your target #.	If the call was an outgoing call=then the outgoing # that your target dialed will be in this column.	This is the calling party #.	This is the duration of the call in seconds.
			MT=Incoming call		If the call was an incoming call=then your target # will appear in this column.	If the call was an incoming call=then the incoming # to your target will appear in this column.	
			MF=Incoming call to voicemail-in rare cases, it could be mobile forwarding				
			MM=Mobile to Mobile call				
			LL, CN, TR and ME all pertain to routing information and will not be relevant to your investigation.				

NOTES:

When the #s in the MDN column, CALLED # column and the CPN # column are all different, then you are looking at a routing #. The Routing # will appear in the CALLED # column.  
(All three numbers are different)

If you see your target # in the MDN column, the CALLED # column and the CPN # column, then you are looking at your target checking his/her voicemail. (All three numbers are the same)

Codes:

\*75 is voicemail retrieval  
\*76 is outgoing minutes  
\*77 is data/web services  
\*777 is prepaid voicemail retrieval  
\*723 is adding minutes for prepaid  
\*87 is used to block the mobile #  
\*82 is used to unblock the mobile #  
\*3282 is checking how many text messages sent/received



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE  
OF MICHIGAN,

Plaintiff,

File No. 05-017154-FC

JUDGE ARCHIE L. HAYMAN

VS

OMAR RASHAD POUNCY,

Defendant.

David S. Leyton (P-35086)  
Prosecuting Attorney  
900 South Saginaw Street  
Flint, Michigan 48502  
(810) 257-3232

Daniel D. Bremer (P-23554)  
Attorney for Defendant  
1133 East Bristol Road  
Burton, Michigan 48529  
(810) 232-6231

AFFIDAVIT OF QUILLIE B. STRONG

State of Michigan    )  
                              ) ss.  
County of Genesee    )

Quillie B. Strong deposes and says as follows:

1. I have previously signed an affidavit dated November 1, 2008 in which I said that I was the subscriber for the cell phone number 810-836-5074 and that I had this account set up for Jacob Joe Woods.
2. I said that I had this account set up because Mr. Woods was under 18 years of age at that time and he could not set up his own account.
3. I reaffirm everything that I said in the affidavit that I signed on November 1, 2008.





4. The person shown in the photograph that appears on this page is not the person known to me as Jacob Joe Woods.

5. I am willing to appear in court to testify that everything that I have said in this affidavit is true.

I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: 2-2-25

Quillie B Strong  
QUILLIE B. STRONG

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE  
OF MICHIGAN,

Plaintiff,

File No. 05-017154-FC

JUDGE ARCHIE L. HAYMAN

vs

OMAR RASHAD POUNCY,

Defendant.

\_\_\_\_\_  
David S. Leyton (P-35086)  
Prosecuting Attorney  
900 South Saginaw Street  
Flint, Michigan 48502  
(810) 257-3232

Daniel D. Bremer (P-23554)  
Attorney for Defendant  
1133 East Bristol Road  
Burton, Michigan 48529  
(810) 232-6231

**AFFIDAVIT OF QUILLIE B. STRONG**

State of Michigan    )  
                              ) ss.  
County of Genesee    )

Quillie B. Strong deposes and says as follows:

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3. I reaffirm everything that I said in the affidavit that I signed on November 1, 2008.
4. The person shown in the photo attached to this affidavit is the person known to me as Jacob Joe Woods.
5. I am willing to appear in court to testify that everything that I have said in this affidavit is true.

I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: 10-6-2011

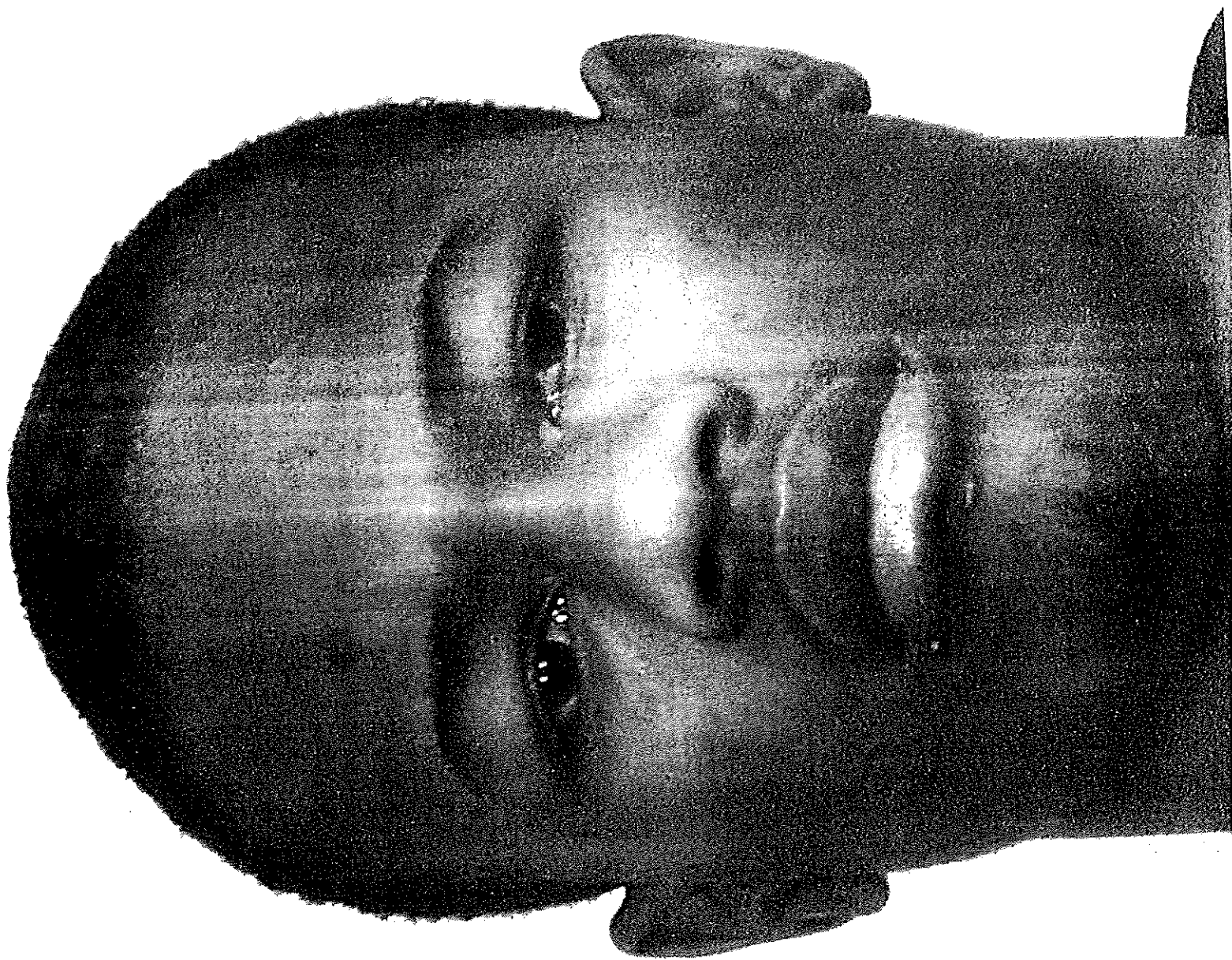
Quillie B Strong  
QUILLIE B. STRONG

On this 6<sup>th</sup> day of October, 2011, before me, a Notary Public in and for said County of Genesee personally appeared Quillie B. Strong, to be known to be the person listed above and who provided the aforementioned statements.

Ronald P. Roland  
Notary Public Genesee County, Michigan

RONALD P. ROLAND  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF GENESSEE  
MY COMMISSION EXPIRES Mar 10, 2014  
ACTING IN COUNTY OF









**Sprint**  
Corporate Security  
Mailstop KSOPHM0206  
6480 Sprint Parkway  
Overland Park, KS 66251  
Office: 913-315-0660 Fax: 816-600-3111  
E-mail: Amy.Valencia@sprint.com

**Amy Valencia**  
Subpoena Specialist

4/4/2011

Daniel Bremer  
Daniel Bremer Law Firm  
1133 East Bristol Road  
Burton, MI 48529

Your Case Number: 05017154FC  
Sprint Case Number: 2011-062900

Dear Daniel Bremer,

Pursuant to the above-referenced case, I am enclosing the requested information for the specified time period associated with the following number(s).

Should you have any questions or further inquiries, please contact the Sprint Subpoena Compliance Group at 866-259-7534.

Sincerely,

Amy Valencia  
Subpoena Compliance  
Sprint Corporate Security  
Amy.Valencia@sprint.com

**Enclosures**

\*Notice: If the records contained in the attached package are utilized in trial proceedings, and if you require a records custodian for authentication, be advised Sprint does not have local representatives. Sprint's Trial Team is located at our Corporate Headquarters in Overland Park, Kansas. You will need to contact the Trial Team at CSTrialTeam@Sprint.com or call our office at 913-315-8775. Our office will require at least two-weeks notice in addition to pre-paid travel arrangements by your office.

**Sprint L-Site**  
Sprint has an interactive web tool for law enforcement known as L-Site. If you are unfamiliar with L-Site and wish to obtain further information, please send an email to: L-Site@Sprint.com.

NO DATA FOUND

\*\*\*\*\*EQUIPMENT\*\*\*\*\*

International Mobile Subscriber Identity(s) (IMSI(s))  
316010031891287 Status Date: 8/25/2005 1:36:02 PM Status: A

Mobile Station Identification Number(s) (MSID(s))  
NO DATA FOUND

Subscriber Identity Module(s) (SIM)  
000819690452310 Effective: 6/3/2005 Expiration: Active through Date  
Searched

Electronic Serial Number (ESN(s)/MSN(s))  
364YFE76CS Effective: 6/21/2005 Expiration: Active through Date Searched

IMEI(s)  
NO DATA FOUND

\*\*\*\*\*FEATURES\*\*\*\*\*

Anytime Minutes Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Call Detail Effective: 9/12/2005 Expiration: Active through Date Searched  
Caller ID Effective: 9/12/2005 Expiration: Active through Date Searched  
Cellular Minutes Effective: 9/12/2005 Expiration: Active through Date Searched  
Direct Connect Cross Flee Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Direct Connect on Nextel Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Domestic LD Rate \$0 Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Modified Nights and Weekends Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Nationwide Direct Connect Effective: 9/12/2005 Expiration: Active through Date  
Searched  
SMS Text Messages Effective: 9/12/2005 Expiration: Active through Date  
Searched  
Talkgroup(SM) Effective: 9/12/2005 Expiration: Active through Date Searched  
VoiceMail Effective: 9/12/2005 Expiration: Active through Date Searched  
Mobile To Mobile Minutes Effective: 9/9/2005 Expiration: Active through Date  
Searched  
Sprint Data Services Effective: 8/12/2005 Expiration: Active through Date  
Searched  
Packet Data Service Effective: 8/12/2005 Expiration: Active through Date  
Searched  
Nextel Service and Repair Effective: 3/3/2005 Expiration: Active through Date  
Searched  
Direct Protect Insurance Effective: 2/10/2005 Expiration: Active through Date  
Searched

\*\*\*\*\*

**Request Type:** Text Historic  
**Date Range:** 9/1/2005 to 10/31/2005  
**Subject Number:** 8108365074



**Sprint Subscriber Information**  
**Sprint Case #: 2011-062900**  
**Reference Case #: 05017154FC**

**Request Type:** CDR  
**Date Range:** 9/1/2005 to 10/31/2005  
**Subject Number:** 8108365074

Please see the attached records. As a regular business practice, Sprint Nextel only stores incoming digits and cell site information on its CDMA and IDEN networks for a finite period of time in an "online" call detail record (hereinafter, "CDR") archive. For both the CDMA network (formerly known as the Sprint PCS network), and for the IDEN network, (formerly known as the Nextel network), records are kept for approximately the most recent 18 month period from the date of processing. Sprint Nextel maintains CDR in the format of customer bills (which provide the date and time of an incoming call, but not the Incoming digits or location information) for dates prior to the last 18 month period.

\*\*\*\*\*

**Request Type:** Subscription Info (Basic)  
**Date Range:** 10/14/2005 to 10/14/2005  
**Subject Number:** 8108365074

\*\*\*\*\* ACCOUNT DETAILS \*\*\*\*\*

Billing Account Number (BAN): 139884921  
Account Establish Date: 2/10/2005  
Account Expiration (Cancel) Date: Active through Date Searched

Account Billing Address(es):  
Effective: 2/10/2005  
QUILLIE STRONG  
6128 STEM LN  
MOUNT MORRIS, MI 48458

Account Contact Numbers:  
Phone: 8107854898 Active Date: 9/12/2005

\*\*\*\*\* SUBSCRIBER DETAILS \*\*\*\*\*

SubscriberID: 2750740201  
Personal Telephone Number (PTN / MDN)  
8108365074 Status Date: 8/25/2005 1:36:02 PM Status: A

Urban Fleet Mobile Identifier  
(UFMI) Effective  
131\*253542\*5 8/25/2005 1:36:02 PM Status: A

Internet Protocol (IP) Address  
11.111.100.107 Status Date: 8/25/2005 1:36:02 PM Status: A

Network Access Identifier  
(NAI)

No text message content was found for this number during the requested time period. Due to the limitations of the IDEN network, Sprint may or may not have access to IDEN text messages. If available, IDEN text messaging is only retrievable for the most recent 7 day period.

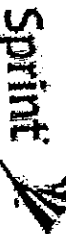
\*\*\*\*\*

**Request Type:** Voicemail Access  
**Date Range:** 9/1/2005 to 9/1/2005  
**Subject Number:** 8108365074

No voicemail messages were found for this number during the requested date range. This request was out of the retrieval date range. Voice mail messages are stored for 20 days from the date the message is left. Voice messages are stored for 30 days if they have been saved. If the voice message has been deleted by the subscriber we are not able to retrieve it.

\*\*\*\*\*

Account Number  
13984921  
Account Name  
QUINCY C. BROWN  
Billing Period  
09/24/05-10/23/05  
Invoice Date  
October 27, 2005



### Cellular Services Call Detail

No.	Date	Time	Cell To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist./ Other	Total Charges
4	09/24	06:02A	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
5	09/24	06:07A	FLINT, MI	810-577-5077 OP/PU	1:00	0.00	0.00	0.00
6	09/24	06:08A	FLINT, MI	810-577-5077 OP/PU	1:00	0.00	0.00	0.00
7	09/24	10:01A	FLINT, MI	810-813-7665 OP/PU	1:00	0.00	0.00	0.00
8	09/24	10:02A	FLINT, MI	810-813-7665 OP/PU	1:00	0.00	0.00	0.00
9	09/24	10:17A	FLINT, MI	810-516-1063 OP/PU	1:00	0.00	0.00	0.00
10	09/24	10:17A	FLINT, MI	810-836-4111 OP/PU	1:00	0.00	0.00	0.00
11	09/24	10:18A	FLINT, MI	810-239-6033 OP/PU	1:00	0.00	0.00	0.00
12	09/24	10:21A	FLINT, MI	Unavailable OP/PU	1:00	0.00	0.00	0.00
13	09/24	10:25A	FLINT, MI	Unavailable OP/PU	1:00	0.00	0.00	0.00
14	09/24	10:28A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
15	09/24	10:28A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
16	09/24	10:31A	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
17	09/24	10:32A	FLINT, MI	810-785-4898 OP/PU	1:00	0.00	0.00	0.00
18	09/24	10:32A	FLINT, MI	810-636-2206 OP/PU	1:00	0.00	0.00	0.00
19	09/24	10:50A	FLINT, MI	810-513-1064 OP/PU	1:00	0.00	0.00	0.00
20	09/24	10:53A	FLINT, MI	Unavailable OP/PU	1:00	0.00	0.00	0.00
21	09/24	10:53A	FLINT, MI	810-836-4111 OP/PU	1:00	0.00	0.00	0.00
22	09/24	10:55A	FLINT, MI	810-785-7720 OP/PU	1:00	0.00	0.00	0.00
23	09/24	11:02A	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
24	09/24	11:02A	FLINT, MI	810-785-7720 OP/PU	1:00	0.00	0.00	0.00
25	09/24	11:05A	FLINT, MI	810-785-7720 OP/PU	1:00	0.00	0.00	0.00
26	09/24	11:05A	FLINT, MI	810-813-7665 OP/PU	1:00	0.00	0.00	0.00
27	09/24	11:11A	FLINT, MI	Unavailable OP/PU	1:00	0.00	0.00	0.00
28	09/24	11:11A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
29	09/24	11:14A	FLINT, MI	810-813-7665 OP/PU	1:00	0.00	0.00	0.00
30	09/24	11:14A	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
31	09/24	11:27A	FLINT, MI	810-785-1828 OP/PU	1:00	0.00	0.00	0.00
32	09/24	11:37A	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
33	09/24	11:39A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
34	09/24	11:43A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
35	09/24	11:43A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
36	09/24	11:47A	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
37	09/24	11:47A	FLINT, MI	810-516-1064 OP/PU	1:00	0.00	0.00	0.00
38	09/24	11:52A	FLINT, MI	810-516-1063 OP/PU	1:00	0.00	0.00	0.00
39	09/24	11:53A	FLINT, MI	810-785-4898 OP/PU	1:00	0.00	0.00	0.00
40	09/24	12:02P	FLINT, MI	810-234-8074 OP/PU	1:00	0.00	0.00	0.00
41	09/24	12:26P	FLINT, MI	810-813-7665 OP/PU	1:00	0.00	0.00	0.00
42	09/24	12:41P	FLINT, MI	810-787-1828 OP/PU	1:00	0.00	0.00	0.00
43	09/24	12:55P	FLINT, MI	810-516-1063 OP/PU	1:00	0.00	0.00	0.00
44	09/24	01:36P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
45	09/24	01:40P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
46	09/24	01:41P	FLINT, MI	810-785-7720 OP/PU	1:00	0.00	0.00	0.00
47	09/24	01:51P	FLINT, MI	810-785-7720 OP/PU	1:00	0.00	0.00	0.00
48	09/24	01:51P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
49	09/24	02:02P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
50	09/24	02:02P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
51	09/24	02:02P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
52	09/24	02:27P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
53	09/24	02:35P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
54	09/24	02:46P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
55	09/24	03:04P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
56	09/24	03:07P	FLINT, MI	810-836-5073 OP/PU	1:00	0.00	0.00	0.00
57	09/24	03:12P	FLINT, MI	Voice Mail OP/PU	1:00	0.00	0.00	0.00
58	09/24	03:19P	FLINT, MI	810-743-7607 OP/PU	1:00	0.00	0.00	0.00
59	09/24	03:32P	FLINT, MI	810-515-5043 OP/PU	1:00	0.00	0.00	0.00
60	09/24	03:46P	FLINT, MI	810-515-5043 OP/PU	1:00	0.00	0.00	0.00

Continued...

### SUBSCRIBER ACTIVITY DETAIL

To view coverage maps and rates visit Sprint.com.

#### Cellular Services Call Detail

No.	Date	Time	Cell To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist./ Other	Total Charges
1	09/24	12:22A	FLINT, MI	810-280-7183 OP/PU	2:00	0.00	0.00	0.00
2	09/24	12:23A	FLINT, MI	810-422-4121 OP/PU	2:00	0.00	0.00	0.00
3	09/24	12:26A	FLINT, MI	810-280-7183 OP/PU	1:00	0.00	0.00	0.00

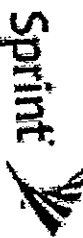
# SUBSCRIBER ACTIVITY DETAIL

Cellular Services Call Detail

No.	Date	Time	Call To	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
281	09/27	04:33P	Incoming	810-785-0035 PP	1:00	0.00	0.00
282	09/27	04:46P	Incoming	810-820-0445 PP	1:00	0.00	0.00
283	09/27	04:48P	FLINT, MI	810-812-2494 PP/PU	1:00	0.00	0.00
284	09/27	04:54P	FLINT, MI	810-787-8161 PP	1:00	0.00	0.00
285	09/27	05:07P	FLINT, MI	810-789-7069 PP/PU	1:00	0.00	0.00
286	09/27	05:22P	FLINT, MI	Voice Mail PP/PU	2:00	0.00	0.00
287	09/27	05:22P	FLINT, MI	810-820-0445 PP/PU	1:00	0.00	0.00
288	09/27	05:25P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
289	09/27	05:28P	FLINT, MI	810-236-7846 PP/PU	1:00	0.00	0.00
290	09/27	05:32P	FLINT, MI	810-785-0035 PP/PU	2:00	0.00	0.00
291	09/27	05:32P	FLINT, MI	810-836-5073 PP/PU	1:00	0.00	0.00
292	09/27	05:34P	FLINT, MI	810-785-7720 PP/PU	1:00	0.00	0.00
293	09/27	05:38P	FLINT, MI	810-391-5009 PP/PU	1:00	0.00	0.00
294	09/27	05:38P	FLINT, MI	810-785-6461 PP/PU	1:00	0.00	0.00
295	09/27	05:39P	FLINT, MI	810-785-4525 PP/PU	1:00	0.00	0.00
296	09/27	05:40P	FLINT, MI	810-743-8489 PP/PU	1:00	0.00	0.00
297	09/27	05:46P	FLINT, MI	810-785-7720 PP/PU	1:00	0.00	0.00
298	09/27	05:47P	Incoming	810-341-5317 PP/PU	1:00	0.00	0.00
299	09/27	05:48P	FLINT, MI	248-910-5089 PP/PU	1:00	0.00	0.00
300	09/27	05:54P	FLINT, MI	810-785-5491 PP/PU	1:00	0.00	0.00
301	09/27	05:54P	FLINT, MI	810-785-7720 PP	1:00	0.00	0.00
302	09/27	05:57P	Incoming	810-515-6554 PP/PU	1:00	0.00	0.00
303	09/27	06:00P	Incoming	810-515-6554 PP/PU	1:00	0.00	0.00
304	09/27	06:08P	FLINT, MI	810-515-6554 PP/PU	1:00	0.00	0.00
305	09/27	06:12P	FLINT, MI	810-836-5073 PP/PU	2:00	0.00	0.00
306	09/27	06:12P	Incoming	810-836-5073 PP/PU	2:00	0.00	0.00
307	09/27	06:18P	Incoming	810-787-8161 PP	1:00	0.00	0.00
308	09/27	06:18P	Incoming	810-785-7720 PP/PU	2:00	0.00	0.00
309	09/27	06:32P	FLINT, MI	810-785-4898 PP	1:00	0.00	0.00
310	09/27	06:37P	FLINT, MI	810-787-8161 PP/PU	1:00	0.00	0.00
311	09/27	06:39P	Incoming	478-742-2214 PP	1:00	0.00	0.00
312	09/27	06:39P	Incoming	Voice Mail PP/PU	2:00	0.00	0.00
313	09/27	06:41P	Incoming	810-397-9428 PP/PU	1:00	0.00	0.00
314	09/27	06:42P	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00
315	09/27	06:49P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00
316	09/27	06:51P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00
317	09/27	06:54P	FLINT, MI	810-787-8161 PP/PU	1:00	0.00	0.00
318	09/27	06:59P	FLINT, MI	810-787-8161 PP	1:00	0.00	0.00
319	09/27	07:00P	Incoming	810-422-4121 PP/PU	2:00	0.00	0.00
320	09/27	07:04P	FLINT, MI	810-787-8161 PP/PU	2:00	0.00	0.00
321	09/27	07:22P	FLINT, MI	810-423-3494 PP/PU	1:00	0.00	0.00
322	09/27	07:31P	Incoming	810-732-8554 PP	1:00	0.00	0.00
323	09/27	07:35P	Incoming	810-732-8554 PP	1:00	0.00	0.00
324	09/27	07:35P	Incoming	Voice Mail PP/PU	1:00	0.00	0.00
325	09/27	07:37P	FLINT, MI	810-785-0728 PP	4:00	0.00	0.00
326	09/27	07:43P	Incoming	810-785-0728 PP	1:00	0.00	0.00
327	09/27	07:51P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00
328	09/27	08:02P	FLINT, MI	810-836-2206 PP/PU	2:00	0.00	0.00
329	09/27	08:08P	FLINT, MI	810-347-0967 PP/PU	4:00	0.00	0.00
330	09/27	08:09P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
331	09/27	08:17P	Incoming	Unavailable PP/PU	1:00	0.00	0.00
332	09/27	08:18P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
333	09/27	08:18P	Incoming	810-785-4898 PP	1:00	0.00	0.00

# SUBSCRIBER ACTIVITY DETAIL

Account Number  
139884921  
Account Name  
UNIVERSITY MICROFILMS  
Billing Period  
09/24/05-10/23/05  
Invoice Date  
October 27, 2005



No.	Date	Time	Call To	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
334	09/27	08:35P	Incoming	810-785-0967 PP	2:00	0.00	0.00
335	09/27	08:47P	Incoming	Unavailable PP	1:00	0.00	0.00
336	09/27	08:48P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
337	09/27	08:48P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
338	09/27	08:50P	Incoming	Unavailable PP/PU	2:00	0.00	0.00
339	09/27	08:50P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
340	09/27	08:50P	Incoming	Unavailable PP/PU	1:00	0.00	0.00
341	09/27	09:13P	FLINT, MI	810-422-4121 PP/PU	1:00	0.00	0.00
342	09/27	09:16P	FLINT, MI	810-785-4898 PP	2:00	0.00	0.00
343	09/27	09:25P	Incoming	810-836-2206 PP/PU	1:00	0.00	0.00
344	09/27	09:33P	FLINT, MI	248-910-5089 PP/PU	1:00	0.00	0.00
345	09/27	09:35P	FLINT, MI	810-618-5169 PP/PU	1:00	0.00	0.00
346	09/27	09:37P	FLINT, MI	Unavailable PP	2:00	0.00	0.00
347	09/27	09:50P	FLINT, MI	810-785-4898 PP/PU	1:00	0.00	0.00
348	09/27	09:56P	Incoming	810-448-3872 PP/PU	2:00	0.00	0.00
349	09/27	10:09P	FLINT, MI	810-448-3872 PP/PU	1:00	0.00	0.00
350	09/27	10:11P	FLINT, MI	810-785-4898 PP/PU	1:00	0.00	0.00
351	09/27	10:12P	Incoming	810-821-6238 PP/PU	2:00	0.00	0.00
352	09/28	09:11A	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00
353	09/28	09:12A	FLINT, MI	810-257-3412 PP/PU	1:00	0.00	0.00
354	09/28	09:15A	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00
355	09/28	09:16A	FLINT, MI	810-257-3412 PP/PU	4:00	0.00	0.00
356	09/28	09:16A	FLINT, MI	810-743-8489 PP/PU	2:00	0.00	0.00
357	09/28	09:27A	FLINT, MI	248-910-5089 PP/PU	1:00	0.00	0.00
358	09/28	09:29A	FLINT, MI	810-515-6554 PP/PU	1:00	0.00	0.00
359	09/28	09:37A	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00
360	09/28	09:37A	FLINT, MI	810-621-6238 PP/PU	1:00	0.00	0.00
361	09/28	09:38A	FLINT, MI	810-621-6238 PP/PU	1:00	0.00	0.00
362	09/28	09:45A	FLINT, MI	810-515-6554 PP/PU	1:00	0.00	0.00
363	09/28	09:47A	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00
364	09/28	09:55A	FLINT, MI	810-515-6554 PP/PU	2:00	0.00	0.00
365	09/28	10:21A	Incoming	889-921-0358 PP	1:00	0.00	0.00
366	09/28	10:27A	Incoming	810-636-2206 PP/PU	1:00	0.00	0.00
367	09/28	10:41A	FLINT, MI	810-789-1253 PP	1:00	0.00	0.00
368	09/28	10:57A	Incoming	810-789-1253 PP	1:00	0.00	0.00
369	09/28	11:07A	FLINT, MI	810-789-1253 PP/PU	1:00	0.00	0.00
370	09/28	11:30A	FLINT, MI	810-785-4898 PP/PU	1:00	0.00	0.00
371	09/28	11:30A	FLINT, MI	810-785-1991 PP/PU	1:00	0.00	0.00
372	09/28	11:31A	FLINT, MI	810-659-1100 PP/PU	1:00	0.00	0.00
373	09/28	11:34A	FLINT, MI	810-618-5169 PP/PU	1:00	0.00	0.00
374	09/28	11:39A	FLINT, MI	810-423-6911 PP/PU	1:00	0.00	0.00
375	09/28	11:39A	FLINT, MI	810-423-6911 PP/PU	1:00	0.00	0.00
376	09/28	11:39A	FLINT, MI	810-423-6911 PP/PU	1:00	0.00	0.00
377	09/28	11:39A	FLINT, MI	810-234-8074 PP	1:00	0.00	0.00
378	09/28	11:44A	Incoming	Voice Mail PP/PU	1:00	0.00	0.00
379	09/28	11:46A	FLINT, MI	810-234-8074 PP	1:00	0.00	0.00
380	09/28	11:50A	Incoming	810-836-2206 PP/PU	2:00	0.00	0.00
381	09/28	12:06P	FLINT, MI	810-836-2206 PP/PU	2:00	0.00	0.00
382	09/28	12:06P	FLINT, MI	810-789-1253 PP	2:00	0.00	0.00
383	09/28	12:11P	Incoming	810-789-1253 PP	2:00	0.00	0.00
384	09/28	12:21P	Incoming	810-789-1253 PP	2:00	0.00	0.00
385	09/28	12:24P	Incoming	810-789-1253 PP/PU	1:00	0.00	0.00
386	09/28	12:52P	FLINT, MI	810-223-6312 PP/PU	1:00	0.00	0.00
387	09/28	12:56P	FLINT, MI	810-785-4789 PP/PU	1:00	0.00	0.00
388	09/28	12:56P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00
389	09/28	12:56P	FLINT, MI	810-785-0967 PP/PU	4:00	0.00	0.00
390	09/28	01:00P	FLINT, MI	810-785-0967 PP/PU	4:00	0.00	0.00

Continued...



DETAILS for 139884921, 5 continued

## &gt; SUBSCRIBER ACTIVITY DETAIL

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
501	09/29	09:07A	FLINT, MI	810-836-2206 PP/MM/PU	3:00	0.00	0.00	0.00
502	09/29	09:09A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
503	09/29	09:10A	FLINT, MI	810-836-2206 PP/MM/PU	3:00	0.00	0.00	0.00
504	09/29	09:17A	FLINT, MI	810-257-3432 PP/PU	2:00	0.00	0.00	0.00
505	09/29	09:20A	FLINT, MI	810-659-1113 PP/PU	1:00	0.00	0.00	0.00
506	09/29	09:27A	FLINT, MI	866-478-8892 PP	1:00	0.00	0.00	0.00
507	09/29	09:28A	FLINT, MI	810-471-6183 PP/MM/PU	1:00	0.00	0.00	0.00
508	09/29	09:28A	FLINT, MI	810-471-6183 PP/MM/PU	1:00	0.00	0.00	0.00
509	09/29	09:28A	FLINT, MI	810-471-6183 PP/MM/PU	1:00	0.00	0.00	0.00
510	09/29	09:28A	FLINT, MI	810-471-6183 PP/MM/PU	1:00	0.00	0.00	0.00
511	09/29	10:31A	FLINT, MI	810-836-2206 PP/MM/PU	4:00	0.00	0.00	0.00
512	09/29	10:31A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
513	09/29	10:34A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
514	09/29	10:35A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
515	09/29	10:35A	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
516	09/29	10:44A	FLINT, MI	810-513-9109 PP/PU	3:00	0.00	0.00	0.00
517	09/29	10:45A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
518	09/29	10:45A	FLINT, MI	810-257-3432 PP/PU	2:00	0.00	0.00	0.00
519	09/29	10:59A	FLINT, MI	810-257-3432 PP/PU	3:00	0.00	0.00	0.00
520	09/29	11:05A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
521	09/29	11:27A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
522	09/29	11:27A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
523	09/29	11:29A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
524	09/29	11:30A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
525	09/29	11:31A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00
526	09/29	11:41A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
527	09/29	11:43A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
528	09/29	11:44A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
529	09/29	11:45A	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
530	09/29	11:47A	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
531	09/29	11:57A	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
532	09/29	12:07P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
533	09/29	12:12P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
534	09/29	12:14P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
535	09/29	12:14P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
536	09/29	12:19P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
537	09/29	12:21P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
538	09/29	12:23P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
539	09/29	12:26P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
540	09/29	12:26P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
541	09/29	12:26P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
542	09/29	12:27P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
543	09/29	12:31P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
544	09/29	12:35P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
545	09/29	12:35P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
546	09/29	12:44P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
547	09/29	12:45P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
548	09/29	12:57P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
549	09/29	01:14P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
550	09/29	01:20P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
551	09/29	01:59P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
552	09/29	02:19P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
553	09/29	02:35P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
554	09/29	02:35P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
555	09/29	02:40P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
556	09/29	02:42P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
557	09/29	02:45P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
558	09/29	02:46P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
559	09/29	02:47P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
560	09/29	02:48P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
561	09/29	02:54P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
562	09/29	03:03P	FLINT, MI	810-701-9686 PP/MM/PU	2:00	0.00	0.00	0.00
563	09/29	03:08P	FLINT, MI	810-836-5470 PP/MM/PU	1:00	0.00	0.00	0.00
564	09/29	03:11P	FLINT, MI	706-724-6737 PP/MM/PU	1:00	0.00	0.00	0.00
565	09/29	03:15P	LA GRANGE, IL	810-836-5470 PP/MM/PU	1:00	0.00	0.00	0.00
566	09/29	03:16P	FLINT, MI	810-836-5470 PP/MM/PU	1:00	0.00	0.00	0.00
567	09/29	03:17P	FLINT, MI	810-515-6763 PP/MM/PU	1:00	0.00	0.00	0.00
568	09/29	03:18P	FLINT, MI	810-515-6763 PP/MM/PU	1:00	0.00	0.00	0.00
569	09/29	03:27P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
570	09/29	03:28P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
571	09/29	03:30P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
572	09/29	03:40P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
573	09/29	03:41P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
574	09/29	03:41P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
575	09/29	03:45P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
576	09/29	03:53P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
577	09/29	03:58P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
578	09/29	03:59P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
579	09/29	04:02P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
580	09/29	04:02P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
581	09/29	04:08P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
582	09/29	04:22P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
583	09/29	04:25P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
584	09/29	04:25P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
585	09/29	04:28P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
586	09/29	04:30P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
587	09/29	04:32P	LA GRANGE, IL	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
588	09/29	04:37P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
589	09/29	04:38P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
590	09/29	04:38P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
591	09/29	04:40P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
592	09/29	04:48P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
593	09/29	04:49P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
594	09/29	04:56P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
595	09/29	05:02P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
596	09/29	05:08P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
597	09/29	05:08P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
598	09/29	05:08P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
599	09/29	05:08P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
600	09/29	05:09P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
601	09/29	05:10P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
602	09/29	05:16P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
603	09/29	05:21P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
604	09/29	05:22P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
605	09/29	05:25P	FLINT, MI	810-836-2206 PP/MM/PU	2:00	0.00	0.00	0.00
606	09/29	05:27P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
607	09/29	05:29P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
608	09/29	05:30P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00
609	09/29	05:35P	FLINT, MI	810-836-2206 PP/MM/PU	1:00	0.00	0.00	0.00

Continued...

Account Number  
139884921  
Account Name  
Cellular Services

Billing Period  
09/24/05-10/23/05  
Invoice Date  
October 27, 2005

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Sprint

DELETED 09/24/2005 09:23:05, 5 continued

## SUBSCRIBER ACTIVITY DETAIL

### Cellular Services Call Detail

No.	Date	Time	Call To	Footnote	See Pg. 2 Min/Sec	Usage	Long Dist.	Other	Charges	Total
721	09/30	04:46P	Incoming	810-785-3534 PP	1:00	0.00	0.00	0.00	0.00	0.00
722	09/30	04:47P	FLINT, MI	810-577-0102 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
723	09/30	04:47P	FLINT, MI	810-577-0102 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
724	09/30	04:48P	FLINT, MI	810-232-5900 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
725	09/30	05:03P	Incoming	810-785-3534 PP	1:00	0.00	0.00	0.00	0.00	0.00
726	09/30	05:04P	FLINT, MI	810-785-4698 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
727	09/30	05:06P	FLINT, MI	810-636-5204 PP/IM/P	3:00	0.00	0.00	0.00	0.00	0.00
728	09/30	05:09P	Incoming	810-743-7697 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
729	09/30	05:10P	Incoming	810-785-4898 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
730	09/30	05:11P	FLINT, MI	810-577-0121 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
731	09/30	05:12P	FLINT, MI	810-785-0997 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
732	09/30	05:15P	FLINT, MI	810-422-4121 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
733	09/30	05:18P	FLINT, MI	810-691-6824 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
734	09/30	05:19P	Incoming	810-577-0151 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
735	09/30	05:19P	FLINT, MI	810-577-0121 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
736	09/30	05:21P	FLINT, MI	810-785-5481 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
737	09/30	05:30P	FLINT, MI	Voicemail PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
738	09/30	05:36P	Incoming	810-785-4898 PP	1:00	0.00	0.00	0.00	0.00	0.00
739	09/30	05:36P	FLINT, MI	810-789-7470 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
740	09/30	05:36P	Incoming	810-785-4898 PP	1:00	0.00	0.00	0.00	0.00	0.00
741	09/30	05:41P	FLINT, MI	810-449-0137 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
742	09/30	05:42P	Incoming	810-232-5900 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
743	09/30	05:43P	Incoming	810-655-6713 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
744	09/30	05:44P	FLINT, MI	810-394-8399 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
745	09/30	06:05P	FLINT, MI	810-787-2840 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
746	09/30	06:08P	Incoming	810-577-0151 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
747	09/30	06:08P	Incoming	810-239-6033 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
748	09/30	06:15P	FLINT, MI	810-701-3044 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
749	09/30	06:17P	FLINT, MI	810-787-2094 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
750	09/30	06:20P	FLINT, MI	810-785-7840 PP	2:00	0.00	0.00	0.00	0.00	0.00
751	09/30	06:23P	Incoming	810-536-5073 PP/IM/P	3:00	0.00	0.00	0.00	0.00	0.00
752	09/30	06:45P	Incoming	478-742-2214 PP	1:00	0.00	0.00	0.00	0.00	0.00
753	09/30	06:47P	Incoming	810-785-6461 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
754	09/30	06:52P	FLINT, MI	810-210-7215 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
755	09/30	06:58P	Incoming	810-701-3044 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
756	09/30	06:58P	FLINT, MI	810-232-5900 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
757	09/30	07:00P	FLINT, MI	810-394-8399 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
758	09/30	07:00P	FLINT, MI	708-724-6737 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
759	09/30	07:03P	Incoming	UNAVAILABLE PP	2:00	0.00	0.00	0.00	0.00	0.00
760	09/30	07:24P	Incoming	810-210-7215 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
761	09/30	07:25P	GRANDBLANC, MI	810-578-5074 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
762	09/30	07:30P	FLINT, MI	810-391-0026 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
763	09/30	07:31P	FLINT, MI	810-789-9147 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
764	09/30	07:31P	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
765	09/30	07:38P	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
766	09/30	07:45P	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
767	09/30	07:56P	FLINT, MI	810-785-7720 PP/PU	4:00	0.00	0.00	0.00	0.00	0.00
768	09/30	07:57P	FLINT, MI	810-785-7720 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
769	09/30	07:57P	Incoming	810-280-7183 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
770	09/30	08:07P	Incoming	810-836-5073 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
771	09/30	08:07P	Incoming	810-347-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
772	09/30	08:16P	FLINT, MI	810-347-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
773	09/30	08:16P	FLINT, MI	810-347-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00

No.	Date	Time	Call To	Footnote	See Pg. 2 Min/Sec	Usage	Long Dist.	Other	Charges	Total
774	09/30	08:17P	FLINT, MI	810-347-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
775	09/30	08:18P	FLINT, MI	810-347-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
776	09/30	08:22P	FLINT, MI	810-475-1063 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
777	09/30	08:28P	FLINT, MI	810-516-1063 PP/PU	3:00	0.00	0.00	0.00	0.00	0.00
778	09/30	08:29P	FLINT, MI	810-785-0987 PP	1:00	0.00	0.00	0.00	0.00	0.00
779	09/30	08:39P	Incoming	810-785-0987 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
780	09/30	08:40P	FLINT, MI	810-785-0987 PP	1:00	0.00	0.00	0.00	0.00	0.00
781	09/30	08:42P	Incoming	810-836-5073 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
782	09/30	08:57P	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
783	09/30	08:57P	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
784	09/30	09:12P	Incoming	810-280-7183 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
785	09/30	09:32P	FLINT, MI	810-275-4768 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
786	09/30	09:43P	Incoming	810-743-7697 PP	1:00	0.00	0.00	0.00	0.00	0.00
787	09/30	09:52P	FLINT, MI	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
788	09/30	09:58P	Incoming	810-836-2206 PP/IM/P	3:00	0.00	0.00	0.00	0.00	0.00
789	09/30	10:04P	Incoming	810-743-7697 PP	1:00	0.00	0.00	0.00	0.00	0.00
790	09/30	10:13P	Incoming	269-267-8109 PP/PU	21:00	0.00	0.00	0.00	0.00	0.00
791	09/30	11:02P	KALAMAZOO, MI	269-267-8109 PP/PU	7:00	0.00	0.00	0.00	0.00	0.00
792	09/30	11:28P	FLINT, MI	810-223-8760 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
793	09/30	11:35P	FLINT, MI	810-248-8752 PP/PU	4:00	0.00	0.00	0.00	0.00	0.00
794	09/30	11:35P	FLINT, MI	810-397-6571 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
795	09/30	11:41P	FLINT, MI	810-616-3321 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
796	09/30	11:42P	Incoming	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
797	09/30	11:44P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
798	09/30	11:44P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
799	09/30	11:45P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
800	09/30	11:46P	FLINT, MI	810-616-2277 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
801	09/30	11:48P	FLINT, MI	810-336-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
802	09/30	11:48P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
803	09/30	11:51P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
804	09/30	11:51P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
805	09/30	11:51P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
806	09/30	11:51P	FLINT, MI	810-616-2277 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
807	10/01	12:11A	FLINT, MI	810-265-4375 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
808	10/01	12:22A	FLINT, MI	Voicemail PP/PU	13:00	0.00	0.00	0.00	0.00	0.00
809	10/06	08:16A	FLINT, MI	810-265-4375 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
810	10/06	08:26A	Customer Care	810-636-5073 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
811	10/06	08:45A	Customer Care	810-636-5073 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
812	10/06	08:47A	FLINT, MI	810-757-0857 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
813	10/06	09:03A	FLINT, MI	810-423-3494 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
814	10/06	09:13A	FLINT, MI	810-423-3494 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
815	10/06	09:13A	FLINT, MI	810-513-9109 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
816	10/06	09:13A	FLINT, MI	810-757-0857 PP	1:00	0.00	0.00	0.00	0.00	0.00
817	10/06	09:20A	Incoming	810-836-2206 PP/IM/P	4:00	0.00	0.00	0.00	0.00	0.00
818	10/06	09:34A	FLINT, MI	810-423-3494 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
819	10/06	09:37A	Incoming	810-836-2206 PP/IM/P	2:00	0.00	0.00	0.00	0.00	0.00
820	10/06	09:50A	Incoming	810-836-2206 PP/IM/P	1:00	0.00	0.00	0.00	0.00	0.00
821	10/06	09:54A	FLINT, MI	810-334-8389 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
822	10/06	09:57A	FLINT, MI	810-232-5900 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00

5 continued

# SUBSCRIBER ACTIVITY DETAIL

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote	See pg. 21 Min/Sec	Usage	Long Dist.	Other	Total
1161	10/08	06:57P	Incoming	810-836-2206 OP/IM		1:00	0.00	0.00	0.00	0.00
1162	10/08	06:58P	Incoming	810-701-3044 OP		1:00	0.00	0.00	0.00	0.00
1163	10/08	07:00P	Incoming	810-836-2206 OP/IM		1:00	0.00	0.00	0.00	0.00
1164	10/08	07:11P	Incoming	810-515-5633 OP/IM		1:00	0.00	0.00	0.00	0.00
1165	10/08	07:12P	Incoming	810-515-5633 OP/IM		1:00	0.00	0.00	0.00	0.00
1166	10/08	07:12P	Incoming	810-785-6591 OP/PU		1:00	0.00	0.00	0.00	0.00
1167	10/08	07:28P	FLINT, MI	810-785-6142 OP/PU		1:00	0.00	0.00	0.00	0.00
1168	10/08	07:28P	FLINT, MI	Unavailable OP/IM		1:00	0.00	0.00	0.00	0.00
1169	10/08	08:01P	Incoming	Unavailable OP/IM		1:00	0.00	0.00	0.00	0.00
1170	10/08	08:01P	Incoming	810-743-6364 OP		1:00	0.00	0.00	0.00	0.00
1171	10/08	08:53P	Incoming	Unavailable OP/IM		1:00	0.00	0.00	0.00	0.00
1172	10/08	09:03P	Incoming	810-322-7954 OP/IM		4:00	0.00	0.00	0.00	0.00
1173	10/08	09:52P	GRAND RPDS, MI	810-322-7954 OP/IM		2:00	0.00	0.00	0.00	0.00
1174	10/08	10:01P	FLINT, MI	810-237-4747 OP/PU		1:00	0.00	0.00	0.00	0.00
1175	10/08	10:02P	FLINT, MI	810-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1176	10/08	10:03P	FLINT, MI	810-237-4747 OP/PU		2:00	0.00	0.00	0.00	0.00
1177	10/08	10:03P	FLINT, MI	810-836-5073 OP/IM		1:00	0.00	0.00	0.00	0.00
1178	10/08	10:03P	FLINT, MI	810-249-8761 OP/PU		1:00	0.00	0.00	0.00	0.00
1179	10/08	10:03P	FLINT, MI	810-249-8761 OP/PU		1:00	0.00	0.00	0.00	0.00
1180	10/08	10:08P	FLINT, MI	810-836-4589 OP/IM		5:00	0.00	0.00	0.00	0.00
1181	10/08	10:12P	FLINT, MI	810-610-5600 OP/IM		1:00	0.00	0.00	0.00	0.00
1182	10/08	10:21P	FLINT, MI	810-743-6498 OP/PU		1:00	0.00	0.00	0.00	0.00
1183	10/08	10:23P	FLINT, MI	810-287-5595 OP/PU		1:00	0.00	0.00	0.00	0.00
1184	10/08	10:24P	FLINT, MI	810-287-5595 OP/PU		3:00	0.00	0.00	0.00	0.00
1185	10/08	10:25P	FLINT, MI	Unavailable OP/IM		1:00	0.00	0.00	0.00	0.00
1186	10/08	10:28P	Incoming	810-785-6591 OP		7:00	0.00	0.00	0.00	0.00
1187	10/08	10:30P	Incoming	810-515-6192 OP/IM		1:00	0.00	0.00	0.00	0.00
1188	10/08	10:31P	Incoming	810-515-6192 OP/IM		21:00	0.00	0.00	0.00	0.00
1189	10/08	10:38P	FLINT, MI	810-610-5600 OP/IM		2:00	0.00	0.00	0.00	0.00
1190	10/08	11:02P	Incoming	810-610-5600 OP/IM		2:00	0.00	0.00	0.00	0.00
1191	10/08	11:08P	Incoming	810-424-6521 OP		2:00	0.00	0.00	0.00	0.00
1192	10/08	11:50P	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1193	10/08	12:24A	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1194	10/08	02:07A	GRAND RPDS, MI	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1195	10/08	02:08A	FLINT, MI	810-836-4225 OP/IM		2:00	0.00	0.00	0.00	0.00
1196	10/08	02:08A	FLINT, MI	810-513-2572 OP/PU		2:00	0.00	0.00	0.00	0.00
1197	10/08	02:10A	Incoming	810-513-2572 OP/PU		1:00	0.00	0.00	0.00	0.00
1198	10/08	02:12A	GRAND RPDS, MI	816-322-7954 OP/IM		2:00	0.00	0.00	0.00	0.00
1199	10/08	02:15A	Incoming	810-610-5600 OP/IM		1:00	0.00	0.00	0.00	0.00
1200	10/08	02:19A	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1201	10/08	03:16A	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1202	10/08	03:36A	Incoming	Unavailable OP/IM		1:00	0.00	0.00	0.00	0.00
1203	10/08	07:32A	Incoming	810-785-6591 OP		2:00	0.00	0.00	0.00	0.00
1204	10/08	07:32A	Incoming	810-785-6591 OP		3:00	0.00	0.00	0.00	0.00
1205	10/08	08:33A	Incoming	816-322-7954 OP/IM		3:00	0.00	0.00	0.00	0.00
1206	10/08	08:33A	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1207	10/08	09:31A	Incoming	816-322-7954 OP/IM		1:00	0.00	0.00	0.00	0.00
1208	10/08	09:31A	GRAND RPDS, MI	810-785-6591 OP		1:00	0.00	0.00	0.00	0.00
1209	10/08	09:37A	Incoming	810-785-6591 OP		1:00	0.00	0.00	0.00	0.00
1210	10/08	09:38A	Incoming	810-701-3044 OP		1:00	0.00	0.00	0.00	0.00
1211	10/08	09:56A	Incoming	810-785-6591 OP		1:00	0.00	0.00	0.00	0.00
1212	10/08	09:57A	FLINT, MI	810-785-6591 OP		2:00	0.00	0.00	0.00	0.00
1213	10/08	10:04A	Incoming	810-785-6591 OP		2:00	0.00	0.00	0.00	0.00

Account Number 139884921  
Account Name  
Billing Period 09/24/05-10/23/05  
Invoice Date October 27, 2005  
Page 3

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See pg. 21) Min/Sec	Usage	Long Dist.	Other	Charges	Total
1214	10/08	10:11A	FLINT, MI	810-257-3268 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1215	10/08	10:15A	Incoming	Unavailable OP	1:00	0.00	0.00	0.00	0.00	0.00
1216	10/08	10:22A	Incoming	810-701-3044 OP	1:00	0.00	0.00	0.00	0.00	0.00
1217	10/08	10:32A	Incoming	810-701-3044 OP	1:00	0.00	0.00	0.00	0.00	0.00
1218	10/08	10:42A	Incoming	810-423-3494 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1219	10/08	10:51A	FLINT, MI	810-785-6591 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1220	10/08	11:01A	Incoming	810-836-5073 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1221	10/08	11:11A	FLINT, MI	810-767-0857 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1222	10/08	11:16A	FLINT, MI	810-767-0857 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1223	10/08	11:25A	Incoming	810-785-0035 OP	1:00	0.00	0.00	0.00	0.00	0.00
1224	10/08	11:33A	GRAND RPDS, MI	810-257-3432 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1225	10/08	11:34A	FLINT, MI	816-322-7954 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1226	10/08	11:36A	FLINT, MI	810-257-3432 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1227	10/08	11:40A	FLINT, MI	810-836-5073 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1228	10/08	11:46A	Incoming	810-836-5073 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1229	10/08	11:46A	FLINT, MI	810-767-0857 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1230	10/08	12:10P	Incoming	810-767-0857 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1231	10/08	12:14P	Incoming	810-701-3044 OP	1:00	0.00	0.00	0.00	0.00	0.00
1232	10/08	12:24P	FLINT, MI	810-238-7848 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1233	10/08	12:24P	FLINT, MI	810-836-4589 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1234	10/08	12:29P	Incoming	810-210-0084 OP	1:00	0.00	0.00	0.00	0.00	0.00
1235	10/08	12:52P	FLINT, MI	810-836-4589 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1236	10/08	12:56P	Incoming	810-237-4747 OP	6:00	0.00	0.00	0.00	0.00	0.00
1237	10/08	01:00P	Incoming	810-836-2206 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1238	10/08	01:06P	Incoming	810-836-2206 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1239	10/08	01:15P	FLINT, MI	810-836-2206 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1240	10/08	01:28P	Incoming	810-836-2206 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1241	10/08	01:28P	FLINT, MI	810-516-2284 OP	1:00	0.00	0.00	0.00	0.00	0.00
1242	10/08	01:31P	FLINT, MI	810-743-6364 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1243	10/08	02:17P	Incoming	810-836-5073 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1244	10/08	02:33P	FLINT, MI	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1245	10/08	02:33P	FLINT, MI	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1246	10/08	03:43P	Incoming	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1247	10/08	04:15P	FLINT, MI	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1248	10/08	04:15P	FLINT, MI	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1249	10/08	04:15P	FLINT, MI	810-515-6763 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1250	10/08	04:36P	FLINT, MI	810-701-5565 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1251	10/08	04:40P	Incoming	810-701-5565 OP	1:00	0.00	0.00	0.00	0.00	0.00
1252	10/08	04:40P	Incoming	810-513-1049 OP	3:00	0.00	0.00	0.00	0.00	0.00
1253	10/08	04:41P	Incoming	810-618-2387 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1254	10/08	04:58P	Incoming	810-618-2387 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1255	10/08	05:05P	Incoming	810-618-2387 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1256	10/08	05:12P	Incoming	810-618-2387 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1257	10/08	05:24P	Incoming	810-210-3120 OP/IM	5:00	0.00	0.00	0.00	0.00	0.00
1258	10/08	05:32P	FLINT, MI	810-210-3120 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1259	10/08	05:39P	Incoming	810-241-4769 OP	1:00	0.00	0.00	0.00	0.00	0.00
1260	10/08	06:18P	FLINT, MI	810-701-3044 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1261	10/08	06:38P	Incoming	810-701-3044 OP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1262	10/08	06:43P	GRAND RPDS, MI	816-322-7954 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1263	10/08	07:03P	Incoming	810-701-3044 OP	1:00	0.00	0.00	0.00	0.00	0.00
1264	10/08	07:23P	FLINT, MI	810-836-2206 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1265	10/08	07:31P	FLINT, MI	810-610-5600 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1266	10/08	07:32P	FLINT, MI	810-610-5600 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1267	10/08	07:32P	FLINT, MI	810-610-5600 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1268	10/08	07:34P	Incoming	810-785-6591 OP	2:00	0.00	0.00	0.00	0.00	0.00
1269	10/08	07:34P	Incoming	810-785-6591 OP	1:00	0.00	0.00	0.00	0.00	0.00
1270	10/08	07:36P	Incoming	Unavailable OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1271	10/08	07:43P	FLINT, MI	810-836-5073 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1272	10/08	07:44P	FLINT, MI	810-836-5073 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00

Continued...



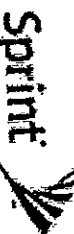
DETAILS 06/23/10 08:55:00 5 continued

## &gt; SUBSCRIBER ACTIVITY DETAIL

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min:Sec	Usage	Long Disl Other	Total Charges
1271	10/09	07:44P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1272	10/09	07:44P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1273	10/09	07:50P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1274	10/09	07:56P	FLINT, MI	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1275	10/09	07:56P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1276	10/09	08:04P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1277	10/09	08:12P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1278	10/09	08:12P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1279	10/09	08:12P	Incoming	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1280	10/09	08:20P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1281	10/09	08:21P	Incoming	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1282	10/09	08:26P	GRAND RPDS, MI	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1283	10/09	08:33P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1284	10/09	08:45P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1285	10/09	08:49P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1286	10/09	08:49P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1287	10/09	08:49P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1288	10/09	08:49P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1289	10/09	08:50P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1290	10/09	08:50P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1291	10/09	08:51P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1292	10/09	08:51P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1293	10/09	09:12P	FLINT, MI	810-636-5073 OP/PP/PU	3:00	0.00	0.00	0.00
1294	10/09	09:12P	FLINT, MI	810-636-5073 OP/PP/PU	6:00	0.00	0.00	0.00
1295	10/09	09:31P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1296	10/09	09:31P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1297	10/09	09:37P	FLINT, MI	810-636-5073 OP/PP/PU	6:00	0.00	0.00	0.00
1298	10/09	09:41P	Incoming	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1299	10/09	09:42P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1300	10/09	09:46P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1301	10/09	09:47P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1302	10/09	09:48P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1303	10/09	09:48P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1304	10/09	09:50P	FLINT, MI	810-636-5073 OP/PP/PU	32:00	0.00	0.00	0.00
1305	10/09	09:50P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1306	10/09	10:05P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1307	10/09	10:08P	Incoming	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1308	10/09	10:22P	FLINT, MI	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1309	10/09	10:22P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1310	10/09	10:25P	GRAND RPDS, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1311	10/09	10:48P	Incoming	810-636-5073 OP/PP/PU	42:00	0.00	0.00	0.00
1312	10/09	11:11P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1313	10/09	11:11P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1314	10/09	11:53P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1315	10/09	11:53P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1316	10/09	11:53P	FLINT, MI	810-636-5073 OP/PP/PU	3:00	0.00	0.00	0.00
1317	10/09	11:54P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1318	10/09	11:54P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1319	10/09	11:54P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1320	10/09	11:54P	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1321	10/09	12:00A	FLINT, MI	810-636-5073 OP/PP/PU	2:00	0.00	0.00	0.00
1322	10/10	09:03A	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00
1323	10/10	09:05A	FLINT, MI	810-636-5073 OP/PP/PU	1:00	0.00	0.00	0.00

Account Number 139884921  
 Account Name QUINCYSTATIONS  
 Billing Period 09/24/05-10/23/05  
 Invoice Date October 27, 2005  
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## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min:Sec	Usage	Long Disl Other	Total Charges
1324	10/10	09:07A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1325	10/10	09:08A	FLINT, MI	810-636-5073 PP/PP/PU	2:00	0.00	0.00	0.00
1326	10/10	09:10A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1327	10/10	09:12A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1328	10/10	09:12A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1329	10/10	09:26A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1330	10/10	09:34A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1331	10/10	09:44A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1332	10/10	09:49A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1333	10/10	10:08A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1334	10/10	10:11A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1335	10/10	10:13A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1336	10/10	10:15A	FLINT, MI	810-636-5073 PP/PP/PU	3:00	0.00	0.00	0.00
1337	10/10	10:18A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1338	10/10	10:33A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1339	10/10	10:50A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1340	10/10	10:56A	FLINT, MI	810-636-5073 PP/PP/PU	4:00	0.00	0.00	0.00
1341	10/10	10:56A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1342	10/10	11:07A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1343	10/10	11:08A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1344	10/10	11:11A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1345	10/10	11:17A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1346	10/10	11:17A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1347	10/10	11:33A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1348	10/10	11:36A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1349	10/10	11:37A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1350	10/10	11:39A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1351	10/10	11:40A	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1352	10/10	11:42A	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1353	10/10	11:44A	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1354	10/10	12:02P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1355	10/10	12:02P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1356	10/10	12:08P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1357	10/10	12:16P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1358	10/10	12:22P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1359	10/10	12:24P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1360	10/10	12:24P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1361	10/10	12:26P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1362	10/10	12:28P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1363	10/10	12:30P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1364	10/10	12:30P	GRAND RPDS, MI	810-636-5073 PP/PP/PU	2:00	0.00	0.00	0.00
1365	10/10	12:31P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1366	10/10	12:34P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1367	10/10	12:35P	FLINT, MI	810-636-5073 PP/PP/PU	2:00	0.00	0.00	0.00
1368	10/10	12:36P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1369	10/10	12:36P	FLINT, MI	810-636-5073 PP/PP/PU	4:00	0.00	0.00	0.00
1370	10/10	12:43P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1371	10/10	12:43P	Incoming	810-636-5073 PP/PP/PU	2:00	0.00	0.00	0.00
1372	10/10	12:47P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1373	10/10	12:50P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1374	10/10	12:50P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1375	10/10	12:51P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1376	10/10	12:58P	Incoming	810-636-5073 PP/PP/PU	3:00	0.00	0.00	0.00
1377	10/10	01:06P	FLINT, MI	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1378	10/10	01:17P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1379	10/10	01:36P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00
1380	10/10	01:40P	Incoming	810-636-5073 PP/PP/PU	1:00	0.00	0.00	0.00

Continued...



## SUBSCRIBER ACTIVITY DETAIL

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote	Duration	Usage	Long Dist.	Other	Charges
1381	10/10	01:40P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1382	10/10	01:41P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1383	10/10	01:58P	FLINT, MI	810-648-5058 PP	1:00	0.00	0.00	0.00	0.00	0.00
1384	10/10	02:10P	SANDUSKY, MI	810-648-5058 PP/PU	3:00	0.00	0.00	0.00	0.00	0.00
1385	10/10	02:25P	FLINT, MI	810-636-4589 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1386	10/10	02:28P	FLINT, MI	810-210-6727 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1387	10/10	02:31P	FLINT, MI	810-636-4589 PP/PU	5:00	0.00	0.00	0.00	0.00	0.00
1388	10/10	02:48P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1389	10/10	03:05P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1390	10/10	03:07P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1391	10/10	03:10P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1392	10/10	03:11P	FLINT, MI	810-423-3494 PP/CW	2:00	0.00	0.00	0.00	0.00	0.00
1393	10/10	03:18P	FLINT, MI	810-241-4789 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1394	10/10	03:25P	FLINT, MI	810-648-5058 PP	1:00	0.00	0.00	0.00	0.00	0.00
1395	10/10	03:37P	FLINT, MI	810-513-1049 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1396	10/10	03:38P	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1397	10/10	04:08P	FLINT, MI	810-743-6498 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1398	10/10	04:08P	FLINT, MI	810-631-6957 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1399	10/10	04:09P	FLINT, MI	810-241-4789 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1400	10/10	04:30P	FLINT, MI	810-836-5073 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1401	10/10	04:33P	FLINT, MI	810-836-5073 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1402	10/10	04:33P	FLINT, MI	810-836-5073 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1403	10/10	04:34P	FLINT, MI	810-836-2206 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1404	10/10	04:40P	FLINT, MI	810-241-4789 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1405	10/10	04:45P	FLINT, MI	810-701-3044 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1406	10/10	04:47P	FLINT, MI	810-787-0142 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1407	10/10	04:49P	FLINT, MI	810-787-0142 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1408	10/10	04:52P	FLINT, MI	810-743-7400 PP/PU	3:00	0.00	0.00	0.00	0.00	0.00
1409	10/10	04:55P	FLINT, MI	810-845-6911 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1410	10/10	05:14P	FLINT, MI	810-787-4044 PP	1:00	0.00	0.00	0.00	0.00	0.00
1411	10/10	05:17P	FLINT, MI	810-787-4044 PP	1:00	0.00	0.00	0.00	0.00	0.00
1412	10/10	05:18P	FLINT, MI	810-787-4044 PP/PU	7:00	0.00	0.00	0.00	0.00	0.00
1413	10/10	05:54P	FLINT, MI	734-467-6379 PP	2:00	0.00	0.00	0.00	0.00	0.00
1414	10/10	06:02P	GRAND RAPIDS, MI	810-322-7954 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1415	10/10	06:18P	FLINT, MI	810-449-7936 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1416	10/10	06:35P	FLINT, MI	810-618-0540 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1417	10/10	06:42P	FLINT, MI	810-785-0693 PP	2:00	0.00	0.00	0.00	0.00	0.00
1418	10/10	06:44P	FLINT, MI	810-743-7697 PP/PU	2:00	0.00	0.00	0.00	0.00	0.00
1419	10/10	06:44P	FLINT, MI	810-743-7697 PP	3:00	0.00	0.00	0.00	0.00	0.00
1420	10/10	06:51P	FLINT, MI	810-814-0247 PP	1:00	0.00	0.00	0.00	0.00	0.00
1421	10/10	06:53P	FLINT, MI	810-322-7954 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1422	10/10	07:07P	FLINT, MI	810-814-0247 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1423	10/10	07:26P	FLINT, MI	810-618-0540 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1424	10/10	07:27P	FLINT, MI	810-423-3494 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1425	10/10	07:29P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00
1426	10/10	07:38P	FLINT, MI	810-394-8062 PP	2:00	0.00	0.00	0.00	0.00	0.00
1427	10/10	07:40P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1428	10/10	07:41P	FLINT, MI	810-423-3494 PP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1429	10/10	07:51P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00
1430	10/10	07:57P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00
1431	10/10	08:05P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00
1432	10/10	08:08P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00
1433	10/10	08:08P	FLINT, MI	810-394-8062 PP	1:00	0.00	0.00	0.00	0.00	0.00

Account Number  
139884921  
Account Name  
QUINCY WARENS  
Billing Period  
09/24/05-10/23/05  
Invoice Date  
October 27, 2005

Sprint

## Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote	Duration	Usage	Long Dist.	Other	Charges
1434	10/10	08:11P	Incoming	616-322-7954 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1435	10/10	08:24P	FLINT, MI	810-836-4589 OP/IM/PU	13:00	0.00	0.00	0.00	0.00	0.00
1436	10/10	08:37P	GRAND RAPIDS, MI	616-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1437	10/10	08:38P	FLINT, MI	810-836-4589 OP/IM/PU	5:00	0.00	0.00	0.00	0.00	0.00
1438	10/10	08:44P	GRAND RAPIDS, MI	616-322-7954 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1439	10/10	08:45P	Incoming	810-789-1938 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1440	10/10	08:46P	Incoming	810-449-7936 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1441	10/10	08:47P	Incoming	810-743-7697 OP	1:00	0.00	0.00	0.00	0.00	0.00
1442	10/10	08:57P	FLINT, MI	810-836-4589 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1443	10/10	08:57P	FLINT, MI	810-449-7936 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1444	10/10	08:58P	Incoming	810-449-7936 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1445	10/10	08:59P	Incoming	616-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1446	10/10	09:00P	Incoming	810-743-7697 OP	1:00	0.00	0.00	0.00	0.00	0.00
1447	10/10	09:11P	GRAND RAPIDS, MI	616-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1448	10/10	09:12P	GRAND RAPIDS, MI	616-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1449	10/10	09:32P	Incoming	810-743-7697 OP	1:00	0.00	0.00	0.00	0.00	0.00
1450	10/10	09:36P	FLINT, MI	810-449-7936 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1451	10/10	09:41P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1452	10/10	09:41P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1453	10/10	09:42P	Incoming	810-836-4589 OP/IM	2:00	0.00	0.00	0.00	0.00	0.00
1454	10/10	09:45P	Incoming	810-449-7936 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1455	10/10	09:48P	Incoming	Unavailble OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1456	10/10	09:50P	Incoming	810-743-7697 OP	1:00	0.00	0.00	0.00	0.00	0.00
1457	10/10	09:59P	Incoming	Unavailble OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1458	10/10	10:01P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1459	10/10	10:01P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1460	10/10	10:01P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1461	10/10	10:22P	Incoming	810-836-4589 OP/IM	6:00	0.00	0.00	0.00	0.00	0.00
1462	10/10	10:26P	Incoming	810-836-5073 OP/IM	4:00	0.00	0.00	0.00	0.00	0.00
1463	10/10	10:28P	Incoming	810-836-5073 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1464	10/10	10:29P	FLINT, MI	810-836-5073 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1465	10/10	10:34P	FLINT, MI	810-515-4690 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1466	10/10	10:36P	FLINT, MI	810-515-4690 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1467	10/10	10:54P	FLINT, MI	810-449-7936 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1468	10/10	11:01P	GRAND RAPIDS, MI	616-322-7954 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1469	10/10	11:05P	FLINT, MI	810-232-6121 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1470	10/10	11:28P	FLINT, MI	810-515-4690 OP/IM/PU	4:00	0.00	0.00	0.00	0.00	0.00
1471	10/10	12:24A	FLINT, MI	810-515-4690 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1472	10/10	12:25A	FLINT, MI	810-515-4690 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1473	10/10	12:25A	Incoming	810-515-4690 OP/IM	1:00	0.00	0.00	0.00	0.00	0.00
1474	10/10	12:27A	FLINT, MI	810-789-1397 OP/PU	5:00	0.00	0.00	0.00	0.00	0.00
1475	10/10	12:33A	FLINT, MI	810-618-0540 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1476	10/10	12:34A	FLINT, MI	810-618-0540 OP/PU	1:00	0.00	0.00	0.00	0.00	0.00
1477	10/10	12:35A	FLINT, MI	810-836-4589 OP/IM	22:00	0.00	0.00	0.00	0.00	0.00
1478	10/10	12:37A	FLINT, MI	810-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1479	10/10	12:58A	Incoming	810-836-4589 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1480	10/10	12:58A	Incoming	810-322-7954 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1481	10/10	01:00A	FLINT, MI	810-836-4589 OP/IM/PU	20:00	0.00	0.00	0.00	0.00	0.00
1482	10/10	01:00A	Incoming	810-836-4589 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1483	10/10	01:01A	Incoming	810-836-4589 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1484	10/10	01:20A	FLINT, MI	810-836-4589 OP/IM/PU	4:00	0.00	0.00	0.00	0.00	0.00
1485	10/10	01:24A	Incoming	810-610-5600 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1486	10/10	01:25A	FLINT, MI	810-836-4589 OP/IM/PU	2:00	0.00	0.00	0.00	0.00	0.00
1487	10/10	01:26A	FLINT, MI	810-836-4589 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1488	10/10	01:27A	FLINT, MI	810-836-4589 OP/IM/PU	12:00	0.00	0.00	0.00	0.00	0.00
1489	10/10	01:38A	FLINT, MI	810-610-5600 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00
1490	10/10	01:39A	FLINT, MI	810-610-5600 OP/IM/PU	1:00	0.00	0.00	0.00	0.00	0.00

# DETAILS: 10/11 01:58P FLINT, MI 5 continued

## > SUBSCRIBER ACTIVITY DETAIL

### Cellular Services Call Detail

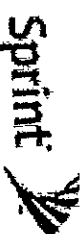
No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
1491	10/11	01:39A	FLINT, MI	810-618-0540 PP/PU	1:00	0.00	0.00	0.00
1492	10/11	01:40A	FLINT, MI	810-787-2094 PP/PU	3:00	0.00	0.00	0.00
1493	10/11	01:45A	FLINT, MI	810-322-7954 PP/PU	3:00	0.00	0.00	0.00
1494	10/11	01:50A	FLINT, MI	810-787-2094 PP/PU	6:00	0.00	0.00	0.00
1495	10/11	01:55A	FLINT, MI	810-322-7954 PP/PU	2:00	0.00	0.00	0.00
1496	10/11	01:57A	FLINT, MI	810-391-0585 PP/PU	2:00	0.00	0.00	0.00
1497	10/11	01:59A	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1498	10/11	07:56A	FLINT, MI	Voice Mail PP/PU	1:00	0.00	0.00	0.00
1499	10/11	08:04A	FLINT, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1500	10/11	08:08A	FLINT, MI	Unavailable PP/PU	3:00	0.00	0.00	0.00
1501	10/11	08:25A	FLINT, MI	810-423-3494 PP/PU	1:00	0.00	0.00	0.00
1502	10/11	08:28A	FLINT, MI	810-787-0142 PP/PU	2:00	0.00	0.00	0.00
1503	10/11	08:29A	FLINT, MI	810-423-3494 PP/PU	3:00	0.00	0.00	0.00
1504	10/11	08:30A	FLINT, MI	810-789-8311 PP/PU	2:00	0.00	0.00	0.00
1505	10/11	08:34A	FLINT, MI	810-736-2400 PP/PU	5:00	0.00	0.00	0.00
1506	10/11	08:34A	FLINT, MI	810-785-6591 PP/PU	1:00	0.00	0.00	0.00
1507	10/11	08:54A	FLINT, MI	810-423-3494 PP/PU	1:00	0.00	0.00	0.00
1508	10/11	08:56A	FLINT, MI	810-836-4589 PP/PU	2:00	0.00	0.00	0.00
1509	10/11	10:04A	FLINT, MI	810-836-5073 PP/PU	3:00	0.00	0.00	0.00
1510	10/11	10:07A	FLINT, MI	810-836-5073 PP/PU	5:00	0.00	0.00	0.00
1511	10/11	10:08A	GRAND RAPIDS, MI	810-836-5073 PP/PU	1:00	0.00	0.00	0.00
1512	10/11	10:11A	FLINT, MI	810-836-5073 PP/PU	5:00	0.00	0.00	0.00
1513	10/11	11:05A	FLINT, MI	810-836-4589 PP/PU	1:00	0.00	0.00	0.00
1514	10/11	11:07A	FLINT, MI	810-743-7400 PP/PU	2:00	0.00	0.00	0.00
1515	10/11	11:07A	FLINT, MI	810-341-6677 PP/PU	2:00	0.00	0.00	0.00
1516	10/11	11:02A	FLINT, MI	810-836-4589 PP/PU	2:00	0.00	0.00	0.00
1517	10/11	11:10A	FLINT, MI	810-787-0557 PP/PU	1:00	0.00	0.00	0.00
1518	10/11	11:27A	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1519	10/11	11:35A	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1520	10/11	11:35A	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1521	10/11	11:37A	FLINT, MI	810-322-7954 PP/PU	1:00	0.00	0.00	0.00
1522	10/11	11:37A	FLINT, MI	810-789-1828 PP/PU	4:00	0.00	0.00	0.00
1523	10/11	11:39A	FLINT, MI	810-785-6591 PP/PU	1:00	0.00	0.00	0.00
1524	10/11	11:44A	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1525	10/11	11:45A	FLINT, MI	810-836-2206 PP/PU	2:00	0.00	0.00	0.00
1526	10/11	11:47A	FLINT, MI	810-845-6911 PP/PU	1:00	0.00	0.00	0.00
1527	10/11	11:55A	FLINT, MI	810-322-7954 PP/PU	1:00	0.00	0.00	0.00
1528	10/11	11:56A	FLINT, MI	810-789-1828 PP/PU	1:00	0.00	0.00	0.00
1529	10/11	12:23P	FLINT, MI	810-785-6591 PP/PU	1:00	0.00	0.00	0.00
1530	10/11	12:24P	FLINT, MI	810-785-6591 PP/PU	1:00	0.00	0.00	0.00
1531	10/11	12:28P	FLINT, MI	810-785-0035 PP/PU	1:00	0.00	0.00	0.00
1532	10/11	12:39P	FLINT, MI	810-322-7954 PP/PU	1:00	0.00	0.00	0.00
1533	10/11	12:58P	FLINT, MI	810-787-0557 PP/PU	1:00	0.00	0.00	0.00
1534	10/11	12:58P	FLINT, MI	810-235-9166 PP/PU	2:00	0.00	0.00	0.00
1535	10/11	01:09P	FLINT, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1536	10/11	01:11P	DURAND, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1537	10/11	01:11P	DURAND, MI	810-235-9166 PP/PU	2:00	0.00	0.00	0.00
1538	10/11	01:11P	DURAND, MI	810-836-4589 PP/PU	2:00	0.00	0.00	0.00
1539	10/11	01:16P	FLINT, MI	810-515-4690 PP/PU	1:00	0.00	0.00	0.00
1540	10/11	01:28P	FLINT, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1541	10/11	01:30P	DURAND, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1542	10/11	01:46P	FLINT, MI	810-235-9166 PP/PU	2:00	0.00	0.00	0.00
1543	10/11	01:46P	FLINT, MI	810-235-9166 PP/PU	2:00	0.00	0.00	0.00

### Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See Pg. 2) Min/Sec	Usage	Long Dist/ Other	Total Charges
1544	10/11	01:51P	FLINT, MI	810-767-0857 PP	1:00	0.00	0.00	0.00
1545	10/11	01:58P	FLINT, MI	810-845-6911 PP	2:00	0.00	0.00	0.00
1546	10/11	02:18P	DURAND, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1547	10/11	02:18P	DURAND, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1548	10/11	02:20P	FLINT, MI	810-767-0857 PP/PU	1:00	0.00	0.00	0.00
1549	10/11	02:22P	FLINT, MI	810-515-4690 PP/PU	1:00	0.00	0.00	0.00
1550	10/11	02:23P	FLINT, MI	810-787-2159 PP/PU	1:00	0.00	0.00	0.00
1551	10/11	02:24P	FLINT, MI	810-515-4690 PP/PU	1:00	0.00	0.00	0.00
1552	10/11	02:31P	FLINT, MI	810-743-7697 PP	2:00	0.00	0.00	0.00
1553	10/11	02:31P	FLINT, MI	810-732-0792 PP/PU	1:00	0.00	0.00	0.00
1554	10/11	02:33P	FLINT, MI	810-516-9284 PP/PU	4:00	0.00	0.00	0.00
1555	10/11	02:33P	FLINT, MI	810-787-0142 PP/PU	7:00	0.00	0.00	0.00
1556	10/11	02:40P	FLINT, MI	810-234-3639 PP/PU	2:00	0.00	0.00	0.00
1557	10/11	02:40P	FLINT, MI	810-234-3639 PP/PU	1:00	0.00	0.00	0.00
1558	10/11	03:04P	DURAND, MI	810-235-9166 PP/PU	1:00	0.00	0.00	0.00
1559	10/11	03:14P	FLINT, MI	Unavailable PP/PU	3:00	0.00	0.00	0.00
1560	10/11	03:15P	FLINT, MI	Unavailable PP/PU	1:00	0.00	0.00	0.00
1561	10/11	03:24P	FLINT, MI	810-516-9284 PP/PU	3:00	0.00	0.00	0.00
1562	10/11	03:30P	FLINT, MI	810-787-0142 PP/PU	1:00	0.00	0.00	0.00
1563	10/11	03:49P	FLINT, MI	810-276-9042 PP	1:00	0.00	0.00	0.00
1564	10/11	03:51P	FLINT, MI	810-836-5073 PP/PU	1:00	0.00	0.00	0.00
1565	10/11	03:52P	FLINT, MI	810-836-5073 PP/PU	1:00	0.00	0.00	0.00
1566	10/11	04:32P	FLINT, MI	810-787-0142 PP/PU	1:00	0.00	0.00	0.00
1567	10/11	04:45P	FLINT, MI	810-701-3044 PP	1:00	0.00	0.00	0.00
1568	10/11	05:00P	FLINT, MI	810-423-3494 PP/PU	2:00	0.00	0.00	0.00
1569	10/11	05:09P	FLINT, MI	810-743-7697 PP	2:00	0.00	0.00	0.00
1570	10/11	05:34P	FLINT, MI	810-701-3044 PP	1:00	0.00	0.00	0.00
1571	10/11	05:34P	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1572	10/11	05:34P	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1573	10/11	05:48P	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1574	10/11	05:48P	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1575	10/11	05:48P	FLINT, MI	810-610-5600 PP/PU	1:00	0.00	0.00	0.00
1576	10/11	05:57P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1577	10/11	06:03P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1578	10/11	06:13P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1579	10/11	06:13P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1580	10/11	06:13P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1581	10/11	06:13P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1582	10/11	06:34P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1583	10/11	06:35P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1584	10/11	06:37P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1585	10/11	06:46P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1586	10/11	06:47P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1587	10/11	06:51P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1588	10/11	06:52P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1589	10/11	06:54P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1590	10/11	06:58P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1591	10/11	06:58P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1592	10/11	06:58P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1593	10/11	07:00P	FLINT, MI	810-836-2206 PP/PU	1:00	0.00	0.00	0.00
1594	10/11	07:01P	FLINT, MI	810-449-7935 PP/PU	1:00	0.00	0.00	0.00
1595	10/11	07:18P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
1596	10/11	07:29P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
1597	10/11	07:36P	FLINT, MI	810-743-7697 PP	1:00	0.00	0.00	0.00
1598	10/11	08:17P	FLINT, MI	810-303-1040 PP/PU	1:00	0.00	0.00	0.00
1599	10/11	08:17P	FLINT, MI	810-322-7641 PP/PU	1:00	0.00	0.00	0.00
1600	10/11	08:19P	FLINT, MI	810-836-4589 PP/PU	1:00	0.00	0.00	0.00

Continued...

Account Number  
139884921  
Account Name  
Cellular Services Call Detail  
Billing Period  
09/24/05-10/23/05  
Invoice Date  
October 27, 2005  
Page  
10/23/05





# CERTIFICATION

I hereby certify, to the best of my knowledge information, and belief, that:

My name is Amy Valencia. I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this decision.

I am in receipt of a Subpoena requesting specified records of the business named below. This certification is for documents provided on 4/4/2011 for the following number ~~810-836-5074~~ in regards to Sprint case number 2011-062900. I hereby certify that the records attached hereto:

1. were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
2. were kept in the course of the regularly conducted business activity; and
3. were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury the foregoing is true and correct.

Executed on 4/4/2011.

Amy Valencia  
Amy Valencia  
Subpoena Specialist

Sprint





STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE  
PEOPLE OF THE STATE OF MICHIGAN, CASE NO. 05-17448-FC  
Plaintiff, JUDGE ARCHIE L. HAYMAN  
OMAR RASHAD POUNCY,  
Defendant.

**BENCH TRIAL**

BEFORE THE HONORABLE ARCHIE L. HAYMAN, CIRCUIT JUDGE  
Flint, Michigan - Thursday, April 6, 2006

**APPEARANCES:**

For the People: Christopher D. Larobardiere, (P-60954)  
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Of Counsel Michael J. Breczinski, (P-33705)  
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Telephone: (810) 743-2960

Transcribed By: Melanie K. Bellamy, CER#7502  
Certified Electronic Recorder  
628 South Meade Street  
Flint, Michigan 48503  
Telephone: (810) 233-0841

**RECEIVED**  
SEP 11 2006  
APPELLATE DEFENDER OFFICE

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1 don't think I kept an exhibit.

2 MR. POUNCY: Remember you got it from

3 (inaudible) - -

4 THE COURT: Yeah here it is. You're right. I  
5 have it.

6 MR. POUNCY: Thanks.

7 THE COURT: Yeah. Uhm uhm. Thanks.

8 A September 18 is that what you're saying?

9 Q Yes. Well, can I let you - - could you uhm - - what I - -  
10 yes September (inaudible) - - September - - do - - are you

11 aware of September 18 is a Sunday correct?

12 A Uhm - - if you say so. No I wasn't aware.

13 MR. POUNCY: Well can we show him a calendar so  
14 we can of September 18 of 2005.

15 THE COURT: Do you guys all agree that - -

16 MR. LAROBARDIERE: Yes.

17 THE COURT: - - that September 18 was a Sunday?

18 MR. LAROBARDIERE: Yes.

19 Q Could you state my work schedule after the memos entered in  
20 September 7, is that the day she said, 2005?

21 THE COURT: Yes, I think she said September 7  
22 is when there was a change.

23 Q My work hours - - not my work hours - -

24 THE COURT: Stick with one question. You're  
25 kind of bouncing around. Let's kind of stick with one

1 question. First question I think had to do with what - - how  
2 many hours were you allowed out of the County Jail on  
3 September 18 of 2005 right? And then September 21 and  
4 September 24 is that correct?

5 MR. POUNCY: Yeah, because I didn't want to - -  
6 I don't want to say.

7 THE COURT: Go ahead. However you want to  
8 proceed. I thought that's where you were going. Go right  
9 ahead.

10 MR. POUNCY: I don't want to - - I wanted to  
11 get to was I even allowed out on September 18 first.

12 THE COURT: Go right ahead. Let's start back  
13 over.

14 A That's a Sunday?

15 Q Yes, that's a Sunday.

16 A Okay, I'm going to say that you weren't allowed out on  
17 Sunday. We wouldn't allow that.

18 Q Did uhm - - have anyone ever been able to talk to you about  
19 why you be brought here today?

20 A No.

21 Q No one indicated to you why you would be brought here today?

22 A No.

23 Q No one at all. Have you had a chance to talk to Detective  
24 Dunkinson?

25 A I said, "Hi."



**Exhibit F**

STATE OF MICHIGAN  
67th JUDICIAL DISTRICT  
7th JUDICIAL CIRCUIT

District Court ORI: MI250095J  
630 S. Saginaw St., Flint, MI 48502

MOTION/ORDER  
OF NOLLE PROSEQUI

JUDGE: Archie Hayman  
CIRCUIT: 05-017448-FC

Circuit Court ORI: MI250015J  
900 S. Saginaw St., Flint, MI, 48502

THE PEOPLE OF  
THE STATE OF MICHIGAN

v

Defendant name, address, and telephone no.

OMAR RASHAD POUNCY  
2617 GIBSON  
FLINT, MI 48507

CTN  
25-05004305-01

SID  
2487773M

DOB  
05/03/1987

COUNT	CRIME	CHARGE CODE(S)
1	ARMED ROBBERY	750.529
2	CARJACKING	750.529A
3	POSSESSION BY FELON	750.224F
4	CARRYING CONCEALED WEAPON	750.227
5	FELONY FIREARM	750.227B-A

Motion

DAVID S. LEYTON, prosecuting official, moves for a nolle prosequi in this entire case.

07/14/2008  
Date

For DAVID S. LEYTON

P35086

ORDER

IT IS ORDERED:

- ☒ 1. Motion for nolle prosequi is granted and the case is dismissed without prejudice.
- ☐ 2. Motion for nolle prosequi is granted as to the following charge(s) which are dismissed without prejudice.

- ☐ 3. Motion for nolle prosequi is denied.
- ☐ 4. Defendant shall be immediately discharged from confinement in this case.
- ☐ 5. Bond, if posted, is cancelled and shall be returned after costs are deducted.
- ☐ 6. Bond/Bail is continued.

7/16/08  
Date

Archie Hayman

Judge

A TRUE COPY  
Michael J. Carr, Clerk

If Item 1 is checked the clerk of the court shall send a photocopy of this order to the Michigan State Police Central Records Division to delete this criminal history record as required under MCL 769.16a.

cc: MARK N. CLEMENT 714 BEACH ST FLINT, MI 484502



STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE  
OF MICHIGAN,

Plaintiff,

File No. 05-017154-FC

JUDGE ARCHIE L. HAYMAN

vs

OMAR RASHAD POUNCY,

Defendant.

\_\_\_\_\_  
David S. Leyton (P-35086)  
Prosecuting Attorney  
900 South Saginaw Street  
Flint, Michigan 48502  
(810) 257-3232

Daniel D. Bremer (P-23554)  
Attorney for Defendant  
1133 East Bristol Road  
Burton, Michigan 48529  
(810) 232-6231

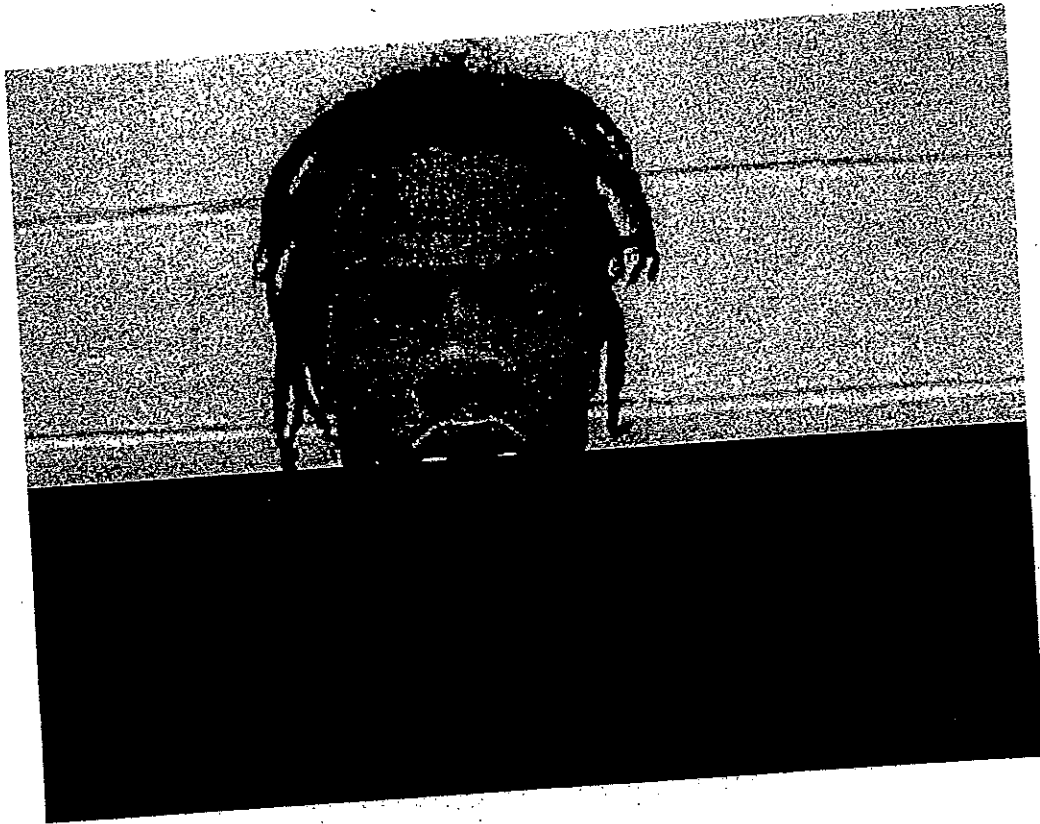
**AFFIDAVIT OF WILLIE McKINLEY JOYCE**

State of Michigan    )  
                              ) ss.  
County of Genesee    )

Willie McKinley Joyce deposes and says as follows:

1. On October 11, 2005, I resided at 5349 Kellar in Mt. Morris Township.
2. At about 5:45 p.m. to 6:00 p.m. on that date, Charles Smith, who was also living at 5349 Kellar at that time, told me that someone had pulled a white Cadillac into my driveway. I then heard a knock on the door. An African-American male in a beige or tan hooded coat and blue jeans, about 5'10" in height and weighing about 185 to 190 pounds, was at the door. He asked me if I wanted him to mow his lawn. I said "no" because this sounded suspicious.
3. I did not see any other people outside at this time. I saw a red vehicle in the roadway. I did not look outside any more after this to see what was going on.





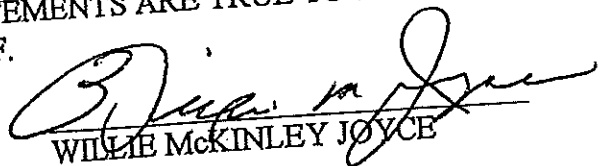
4. The person shown in the photograph that appears on this page is not the person who came to my door on October 11, 2005 at approximately 5:45 p.m. to 6:00 p.m.

5. At no time did Omar Pouncy's trial lawyer or investigator contact me before the trial of Omar Pouncy. If I had been contacted I would have testified at trial that everything that I have said in this affidavit is true.

6. I am willing to appear in court to testify that everything that I have said in this affidavit is true.


I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: October 29, 2010

  
WILLIE MCKINLEY JOYCE

State of Michigan )  
                                  ) ss  
County of Genesee )

Subscribed and sworn to before me, a Notary Public, this 29<sup>th</sup> day of October, 2010

  
Daniel D. Bremer, Notary Public, Genesee County, Michigan

Acting in Genesee County

My commission expires: August 10, 2016



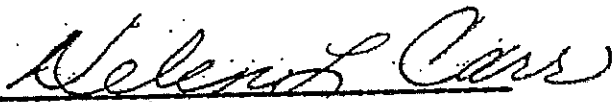
Exhibit A

STATE OF MICHIGAN )  
 )ss:  
COUNTY OF GENESEE )  
G

Helen E. Carr, being duly sworn, deposes and says:

On September 24, 2005 I recieved several collect phone calls coming from the Genesee County Jail, from Omar Rashed Pouncy. The first collect phone call I recieved was at approximately 11:00 a.m., then at approximately 12:30 p.m., then one at approximately 5:45 p.m.

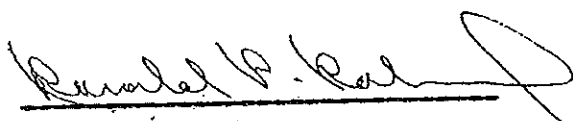
I have been, and continue to be, willing to testify to these events at any trial or hearing.

  
Helen E. Carr

Subscribed and sworn to me on AUGUST 11, 2006

In the County of GENESEE, State of Michigan.

My commission expires on: MARCH 10, 2007

  
Notary Public/Clerk

RONALD P. ROLAND  
NOTARY PUBLIC GENESEE CO., MI  
MY COMMISSION EXPIRES Mar 10, 2007

EXHIBIT  
8





# **Mt. Morris Township Police Department**

## **Standard Incident Report**

Incident No: 05-004219

Page No: 5

## Original Narrative (continued):

stopped in front of her. She was at the back of the Intrepid. She stated she observed that the unknown B/M approached the house and it appeared that he spoke with the homeowner at that house. She stated that the suspect came back from the house and was speaking with her husband. She stated that Mr SANDSTROM came to her and asked her for the title. While she was trying to retrieve the title for Mr SANDSTROM she observed that the unknown B/M had a gun on her husband and did advise her to "get the fuck out of the car". Once they got out of the car, the unknown B/M then advised Mr SANDSTROM to give him his wallet and advised both of them to start walking into the woods. Ms SANDSTROM stated that a short time later the suspects drove away in their Corvette and white Eldorado. At this time they walked back to Coldwater Road where they did observe police.

I asked Mrs SANDSTROM what the suspect with the gun looked like. She stated he was a dark skinned B/M with a beige coat with blue jeans, approximately 5'10", 180 lbs and that he had a black pistol. Ms SANDSTROM stated that there were two other people involved and she didn't get a good look at the suspects. She stated she got a look at one of the suspects but couldn't tell if it was a man or a woman. She stated that they were medium build and had a ponytail. She could not get a good description on the other two suspects other than that. I asked Mr and Mrs SANDSTROM if they had ever seen these suspects before. They stated that they had not. I asked them if they had caller I.D. at the home when the suspects called. They stated no. I advised them to retrieve their phone records for that day of 10/10/05 and 10/11/05 and have that information forwarded to our detective bureau for further information.

At this time I had already let them contact a family member to come and pick them up. They did leave a contact number for this officer.

Myself and officer WILLIAMS and Sgt TOMALIA did go over to 5349 Kellar at approximately 8:28 p.m. where Mr SANDSTROM stated the robbery had occurred. We did make contact with the man in the home. He was identified as CHARLES SMITH JR, 1/20/50. I asked Mr SMITH if he is the homeowner. He stated that he is not, that his friend, WILLIE JOYCE is the registered owner of the home. I asked him if he had talked to someone at approximately 5:45 to 6:00. He stated that he did not but he did look outside where he observed a white in color Cadillac sitting at the end of the driveway. Mr SMITH stated that he immediately advise Mr JOYCE that someone had parked in the driveway. He stated that a short time later that an unknown B/M came up to the door and spoke with Mr JOYCE. Mr SMITH stated that he did not see this B/M at any time and did not talk to him and does not know what he looked like. I asked him if he observed any other vehicles in the street or in the area. He stated that he did not see any other vehicle other than the Cadillac. I asked him when the B/M came to the door if he knew what he talked to Mr JOYCE about. Mr SMITH stated that JOYCE advised him that the B/M wanted to know if he wanted him to mow his yard. Mr JOYCE stated that he did not. I asked him when Mr JOYCE was to be home. He stated that he does not know. I advised him when Mr JOYCE comes home to call 911 to speak with this officer.

Myself and officer WILLIAMS then went to the house at 6093 Penwood to see if the beige Intrepid was in the driveway. We did stationary patrol for a period of time at 6093 Penwood but no beige Intrepid ever came to the house.

At approximately 9:30 p.m. myself and officer WILLIAMS did go back over to 5349 Kellar and tried to make contact with the homeowner Mr JOYCE. I did go and knocked on the door where I was met by Mr JOYCE. I asked him at approximately 5:45 to 6:00 p.m. if he had a conversation with a man in the

# **Mt. Morris Township Police Department**

## **Standard Incident Report**

Incident No: 05-004219

Page No: 6

## Original Narrative (continued):

driveway. He stated at about that time he was advised by his roommate Mr SMITH that someone had pulled into the driveway in a white Cadillac. He stated that he heard a knock on the door where he was approached by a dark skinned B/M wearing a beige or tan in color hooded coat who asked him if he wanted him to mow his yard for some money. Mr JOYCE stated that he found this suspicious and told him no. I asked Mr JOYCE what the male looked like. He stated that he was a dark skinned B/M wearing a beige or tan hooded coat wearing blue jeans, approximately 5'10", 185-190 lbs. Mr JOYCE stated that he observed a red in color vehicle in the roadway but couldn't get a good look at it. I asked Mr JOYCE if he saw any other people outside at any time. He stated that he did not. He stated that after the suspect left his door he did not look outside any longer to see what was going on. At this time I then cleared the scene.

I had Mr and Mrs SANDSTROM write out a written statement as to what occurred. This information will be attached to this report for further review. This information will be forwarded to the detective bureau. Nothing further.

Respectfully Submitted

Joseph Phillips #58

Mt Morris Township Police Department

Transcribed: D Pierce

Supplement/Gagliardi, dated 10/14/05, by Officer Gagliardi:

Sir:

On Tuesday, October 4, 2005, R/t. GAGLIARDI was given complainant #4034-05 regarding a carjacking for follow up investigation. Upon receiving the complainant, I did discover that on September 29, 2005, Officer ROBERT FARMER of the Mt Morris Township PD had taken a car jacking complaint from EARL EDWARD BRADY, w/m, 9/30/50 and his friend PATRICK ALAN WENDELL, w/m, 1/27/44.

Upon receiving this information, I did make contact with the victim, EARL BRADY via tx at his residence. Upon speaking to Mr. BRADY he advised that he had a 1979 Chevy Camaro that was customized and built for racing that he was trying to sell. BRADY stated that he had attempted to sell this vehicle down in the White Lake area, which is where Mr. BRADY resides, however, there wasn't much of a market for this type of vehicle in that area. BRADY stated that he has a friend, JOSEPH SCOTT DAVIS who owns, Mr. Davis Racing located at 3614 Richfield Dr. in Flint. BRADY states that he spoke to DAVIS and asked him if it would be possible to park his camaro out in front of his business in an attempt to sell the vehicle. BRADY states that he had transported his vehicle up to Davis Racing and parked the 79 Camaro in front of the business in hopes of making a sale. BRADY states that he was contacted by his friend, DAVIS who advised him that he had an individual who was interested in purchasing the Camaro and asked if it would be possible for BRADY to meet this individual at Davis Racing. BRADY states that he agreed and he and his friend, PATRICK WENDLE got into their 2003 Ford pick up and headed towards Flint in order to meet up with the potential buyer.

BRADY states that when he arrived at Davis Racing, there were three black males waiting for him along side of a late model Dodge Intrepid that was gray in color. BRADY states that he and his friend, PATRICK WENDLE got out of the truck and began to speak with these subjects about the vehicle. BRADY describes the subjects as subject #1, who he states did all the talking about purchasing the





STATE OF MICHIGAN

67TH DISTRICT COURT IN THE COUNTY OF ~~GENESEE~~ <sup>FLINT</sup>

PEOPLE OF THE STATE OF MICHIGAN

-vs-

THAKAWA LEONDIS TERREL PIERCE,

Defendant.

C.C. #07-021200-FC  
D.C. #FY005-C1034

JUDGE NEITHERCUT

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE CHRISTOPHER ODETTE, DISTRICT JUDGE

Flint, Michigan - Tuesday, August 28, 2007

APPEARANCES:

For the People:

MICHELLE L. RICHARDSON (P57485)  
Assistant Prosecutor  
900 S. Saginaw Street  
Flint, Michigan 48502  
(810) 257-3232

For the Defendant:

SAMUEL A. RAGNONE (P23157)  
Attorney at Law  
1019 Church Street  
Flint, Michigan 48502  
(810) 767-1670

Recorded by:

Tammy Ewka, CER-5727  
Certified Electronic Recorder  
(810) 257-3170

Transcribed by:

Ann L. Habermehl, CER-4273  
Certified Electronic Recorder  
(810) 257-3170

1 10:59 p.m., and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. RAGNONE:

4 Q Would you state your name, please.

5 A Jaawkawa McGruder.

6 Q Can you spell that first name, please, and last?

7 A J-a-a-w-k-a-w-a. McGruder, M-c --

8 THE COURT: J -- Hold on. J-a-a-w-k-a --

9 THE WITNESS: -- w-a.

10 THE COURT: Okay.

11 THE WITNESS: McGruder, M-c-g-r-u-d-e-r.

12 THE COURT: Okay.

13 BY MR. RAGNONE.

14 Q Mr. McGruder, how old are you, sir?

15 A Twenty-three.

16 Q Twenty-three. And are you related to the Defendant,  
17 Tiakawa Pierce?

18 A Yes.

19 Q How are you related?

20 A Ah, we have the same mother.

21 Q Okay, and you are presently serving -- you're  
22 incarcerated in the Department of Corrections, correct?

23 A Yes.

24 Q And what are you serving time for, please?

25 A Ah, felony -- well, several counts, seve -- felony

- 1 fleeing officer, ah, felony firearm, and CCW.
- 2 Q Okay. And there came a time when you were arrested and
- 3 placed in the Genesee County Jail prior to going to
- 4 prison, is that correct?
- 5 A Well, when I was in Genesee County I didn't go to prison,
- 6 I got sent to the Boot Camp.
- 7 Q I see. But you were in the Genesee County Jail at some
- 8 time?
- 9 A Yeah.
- 10 Q And do you recall if that was back maybe in October of
- 11 2005?
- 12 A Yeah.
- 13 Q Okay, and while you were in the Genesee County Jail, did
- 14 you have a chance to meet Wayne Grimes?
- 15 A Yeah, I did.
- 16 Q Okay. Did you know Wayne Grimes prior to seeing him in
- 17 jail?
- 18 A Yes.
- 19 Q Okay, and how did you know Wayne Grimes?
- 20 A Um, through family.
- 21 Q Is he part of your family also?
- 22 A Not really, but --
- 23 Q Well, when you -- Did you have a conversation with Mr
- 24 Grimes in prison?
- 25 A Yeah, I did.

1 Q I mean -- I'm sorry, in the Genesee County Jail?

2 A Well, yes.

3 Q Okay.

4 MS. RICHARDSON: Your Honor, again I object on  
5 the testimony that -- or any words that Mr. Grimes may  
6 have said to this witness because that is hearsay.

7 MR. RAGNONE: It certainly is not, Judge. The  
8 man testified that in fact Tiakawa Pierce, the only thing  
9 he did in these robberies was he had the gun and handed  
10 it to me. Tiakawa --

11 THE COURT: I wanna get into specifics like  
12 what is it about the testimony that your -- would make it  
13 not hearsay of Mr. Grimes. He's not here, not subject --

14 MR. RAGNONE: We can bring him back. Happy to  
15 bring him back if that's what the Court wants to do. I  
16 mean --

17 THE COURT: No, I don't wanna do that. You've  
18 had plenty of chances to bring him and he's not coming  
19 back I can assure of that. So let's -- Don't get clever  
20 with me here on the record, okay?

21 MR. RAGNONE: I wasn't --

22 THE COURT: What's the basis for what, what  
23 your response to her --

24 MR. RAGNONE: Well, first of all I wasn't  
25 trying to be clever, Judge. I apologize.

1 THE COURT: All right.

2 MR. RAGNONE: Second of all, Judge, this is the  
3 heart of the Prosecutor's case what this man testified  
4 to, Mr. Grimes, okay? This is an exception to the  
5 hearsay rule because it goes to his credibility. And Mr.  
6 McGruder had a direct --

7 THE COURT: Thank you.

8 MR. RAGNONE: conversation with --

9 THE COURT: I'll let you continue at this  
10 point. Go ahead. I'll overrule the objection.

11 MR. RAGNONE: Thank you, Judge.

12 THE COURT: You're welcome.

13 MR. RAGNONE: And again I'm sorry.

14 THE COURT: That's all right.

15 MR. RAGNONE: All right.

16 BY MR. RAGNONE:

17 Q So you have a conversation with Mr. Grimes in Genesee  
18 County Jail?

19 A Yes.

20 Q Okay. And with that conversation did you ask him why he  
21 was in jail?

22 A Yeah, I did.

23 Q And what did he tell you?

24 A He said for, ah, several armed robberies and stuff like  
25 that.



- 1 Q Okay, and did he say that the police were looking for  
2 some other people?
- 3 A Yeah, he did.
- 4 Q And who was that?
- 5 A Somebody by the initial of O.
- 6 Q Okay.
- 7 A And Tiakawa.
- 8 Q And what did you say to him when he told you that?
- 9 A I said what they looking Tiakawa for?
- 10 Q And what was his response?
- 11 A He said he don't know, he had nothing to do with it, so  
12 he said he had no idea why they was looking for him.
- 13 Q Okay, he said he had nothing to do with it, is that  
14 correct?
- 15 A Yes.
- 16 Q Okay, and did he talk to you at all about having a gun?
- 17 A Yeah.
- 18 Q What'd he say?
- 19 A He told me that the police got his gun and that was it.
- 20 Q Okay. Did you know -- Do you know Johnna Miller?
- 21 A Yeah, I do.
- 22 Q Okay. Were you aware prying (sic) to -- prior to seeing  
23 Wayne Grimes in the Genesee County Jail that, um, Johnna  
24 Miller had bought a gun?
- 25 A Can you rephrase the question?

1 Q Were you aware, um, that Mr. Grimes had received a gun  
2 from Johnna Miller?

3 A Oh, yes.

4 Q Okay, and how -- when did you find that out?

5 A I found that out before both of us was locked up.

6 Q Okay. During the summer of 2005?

7 A Yeah.

8 Q Okay, and the -- you don't know what kind of gun it was,  
9 do you?

10 A Yeah, I do.

11 Q What kind of gun?

12 A A 9 millimeter --

13 MS. RICHARDSON: Your Honor, I'm going to  
14 object unless he can establish how he knows that.

15 THE COURT: I'll -- I'll sustain that.

16 MR. RAGNONE: I'm sorry.

17 BY MR. RAGNONE:

18 Q How do you know what kind of gun it is? Did you ever see  
19 it?

20 A Yup.

21 Q Oh, you saw the gun. You saw it with -- in Mr. Grimes'  
22 possession?

23 A Yeah.

24 Q Okay. He showed it to you?

25 A Yeah.

1 Q Okay. Did he show it -- Was it in a box?

2 A Was it in a box? No, it was his hand.

3 Q Did you ever see a box with a -- that the gun came in?

4 A Yeah, I did.

5 Q Okay. I'll show you Defense Exhibit Number 6 and ask you  
6 if you ever seen this box before?

7 A Yeah, he kept it under his driver's seat.

8 Q What, the box?

9 A Yup.

10 Q Okay, and you say you saw the gun in his waistband?

11 A Yup.

12 Q Okay, and do you remember if that was -- when that was?

13 A Like probably around the summertime.

14 Q Of 2005?

15 A Yeah.

16 Q Okay. And had you been -- ever been in Mr. Grimes' car?

17 A Yeah.

18 Q Okay. Is that how you saw the box in the car?

19 A Yeah.

20 Q Okay. Was there anybody else -- are you sure that Mr.  
21 Grimes said to you in the jail that Tiakawa had nothing  
22 to do with this?

23 A Highly sure.

24 Q Okay, and you're sure that the gun that came in that box,  
25 or the gun that he had, belonged to Mr. -- was in Mr.

1 Grimes' possession?

2 A Yes.

3 Q Okay.

4 MR. RAGNONE: I have no further questions.

5 Thank you.

6 THE COURT: Cross-examination?

7 MS. RICHARDSON: Thank you, your Honor. If I  
8 might approach.

9 CROSS-EXAMINATION

10 BY MS. RICHARDSON:

11 Q Did you ever see a gun box before, sir?

12 A Yeah.

13 Q How many have you seen?

14 A About three.

15 Q How can you tell one from the other?

16 A Because the others I seen was red.

17 Q Okay. And so this looked like every -- any other black  
18 gun box you might have ever seen in your life?

19 A Nope.

20 Q So other than the fact that the other box you've seen was  
21 red, what's the difference between that box and the other  
22 boxes that you've seen?

23 A Probably the size.

24 Q And you said you saw a few. How many total have you  
25 seen?

1 A Three.

2 Q Were the other two red?

3 A Yup.

4 Q How'd you tell those two apart?

5 A From the high point signs.

6 Q And when is summer?

7 A When is summer?

8 Q Yeah.

9 A Tell me.

10 MR. RAGNONE: Objection. I don't know -- I  
11 don't know what the -- what the purpose of -- this isn't  
12 a -- a geography class or weather class.

13 THE COURT: That would be a chro -- a  
14 chronology class maybe.

15 (Laughter.)

16 All right.

17 MR. RAGNONE: Well, in Geography you gotta  
18 figure out the climate, you know what I'm saying to you  
19 there? Does anybody disagree with that? Don't get angry  
20 with me.

21 MS. RICHARDSON: May I ask the question, your  
22 Honor?

23 THE COURT: Sure, go ahead.

24 BY MS. RICHARDSON:

25 Q When is summer?



- 1 A I have no idea. I can tell you the month.
- 2 Q Okay, what month did you see Wayne Grimes?
- 3 A Around July.
- 4 Q Around July. And it's -- what gun was it that you saw
- 5 him with in July?
- 6 A A 9 millimeter.
- 7 Q Okay, what -- what make was it, do you remember?
- 8 A Nope.
- 9 Q Was it the gun that went in that -- that box?
- 10 A I'm pretty sure it was.
- 11 Q Well, how are you pretty sure about that?
- 12 A Because he wouldn't have a empty box and the gun that
- 13 don't go to the box, right?
- 14 Q Okay. And so the gun that you saw in July, a 9
- 15 millimeter, was that a Taurus gun?
- 16 A Have no idea. I don't remember asking the brand of it.
- 17 Q Okay. Is that the gun that he got from Johnna Miller?
- 18 A Yep, that's what he told me.
- 19 Q That's what he told you. You and Mr. Pierce have the
- 20 same mother, that would make you brothers, correct?
- 21 A Correct.
- 22 Q And Mr. Grimes, was he aware that you and Tiakawa were
- 23 brothers?
- 24 A You'd have to ask him.
- 25 Q Did you ever tell him that?

1 A No.

2 Q Okay. What about when he was having this discussion with  
3 you about O and Tiakawa Pierce? You didn't say, hey,  
4 that's my brother, what's up with that?

5 A Nope.

6 Q But you said that you knew Wayne Grimes?

7 A Yeah.

8 Q How long you known Wayne Grimes?

9 A Probably a couple months or maybe a year.

10 Q Where do you know him from?

11 A From my cousin.

12 Q Who's your cousin?

13 A Omar.

14 Q And you spend any time with your brother?

15 A Not really. I stay in a different city.

16 Q Okay, but you knew Omar?

17 A Yeah.

18 Q And Mr. Grimes saw you before with Omar?

19 A Yep.

20 Q And Omar didn't like Mr. Grimes, is that correct?

21 A Um, that's not true.

22 Q Didn't they have problems with each other that you were  
23 aware of?

24 A Nope.

25 Q Did they get along well whenever you saw them together?

1 A Yeah.

2 Q Best of friends?

3 A Yeah.

4 Q Like brothers?

5 A Yeah.

6 Q Hang out a lot?

7 A Not really, but --

MS. RICHARDSON: Nothing else, your Honor.

MR. RAGNONE: Nothing further of this witness,

10 Judge.

THE COURT: I've got just one question, or two  
or three myself just to clarify something.

EXAMINATION

14 BY THE COURT:

15 Q Now, you saw this -- You saw Mr. Grimes -- or Mr. Grimes  
16 told you about the gun in July, is that correct?

17 A Yeah.

18 Q Okay, and he -- you saw the gun box in July?

19 A Yeah, around that time, yes, sir.

20 Q Okay, and told -- where did he tell you he got the gun?

21 A He got from Johnna Miller.

22 Q Okay, and where did -- where did you see the gun in July?

23 A When I seen it he was his car. I walked up to the car,  
24 it was on his lap.

25 Q And that's -- And this is the gun box that you saw under

1 the seat?

2 A Yeah.

3 Q All right. Thank you.

4 THE COURT: No questions.

5 MR. RAGNONE: No more questions. Thank you  
6 very much, Mr. McGruder.

7 THE COURT: Thank you. This witness may be  
8 excused.

9 (Witness excused at 11:10 a.m.)

10 Any further witnesses?

11 MR. RAGNONE: Meteorologist is what I meant to  
12 say and --

13 Judge, I have no more witnesses at this time,  
14 but I do have one more exhibit that the Prosecutor and I  
15 have agreed for exam purposes only it can be admitted  
16 into evidence. It's Defense Exhibit Number 4. And,  
17 Judge, it is a police report of arrest dated 5/14/2005 of  
18 Wayne Demetrius Grimes when he was charged with carrying  
19 a concealed weapon. And it shows the, um, gun that was  
20 in fact he had on his possession at that time, which is a  
21 Stoegeer, S-t-o-e-g-e-r, Arms Llama, L-1-a-m-a, 380  
22 caliber handgun, Serial Number 5-3-1-2-3-0. And for  
23 purposes of exam I'd like to show that to the Court,  
24 entered as an exhibit.

25 THE COURT: Any objection?

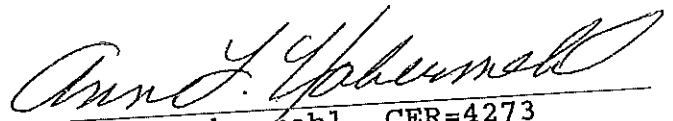
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STATE OF MICHIGAN)  
 ) ss.  
COUNTY OF GENESEE)

I, the undersigned Certified Electronic Court Recorder in and for the 67th District Court, County of Genesee, State of Michigan, do here state that the foregoing 47 pages are a true and accurate transcript, to the best of my ability, of the proceedings heard on Tuesday, August 28, 2007, in the matter of the PEOPLE OF THE STATE OF MICHIGAN versus TIAKAWA LEONDIS TERREL PIERCE, Case Number FY005-C1034.

October 20, 2007

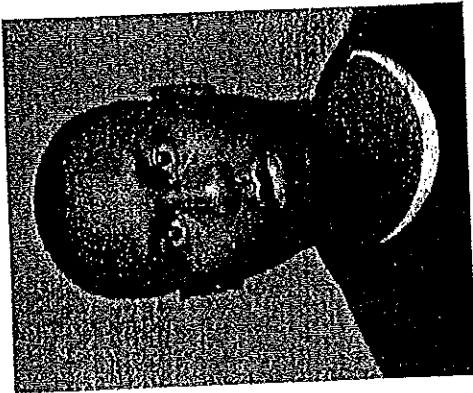
  
Ann L. Habermehl, CER=4273  
Certified Electronic Recorder  
67th District Court  
630 S. Saginaw Street  
Flint, Michigan 48502  
(810) 257-3170u



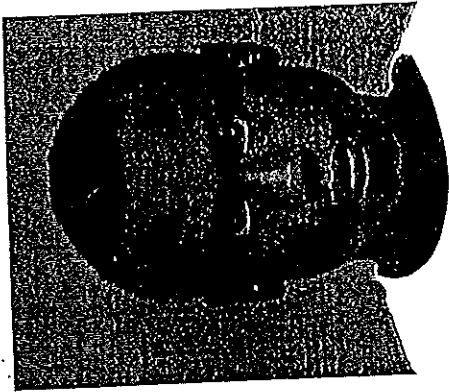


Genesee County Sheriff's Dept.

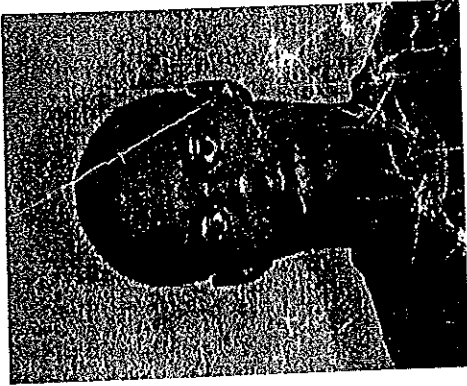
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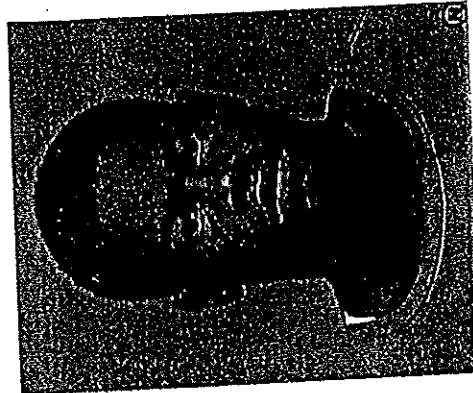
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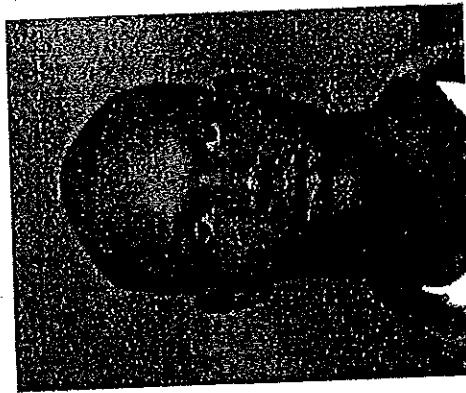
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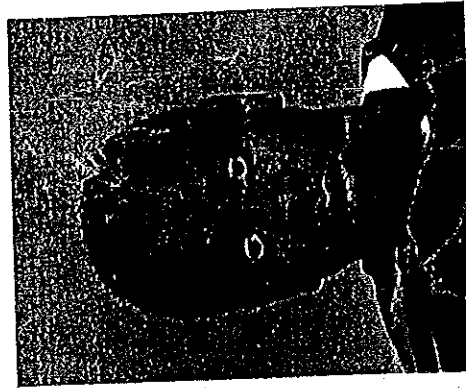
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6

PREPARED BY: Dwyre, Dave  
NOTES:

REQUESTED BY:

AGENCY:

## Genesee County Sheriff's Dept.

Inmate LineUp Record of: 10-13-2005

LineUp Record No: 10/13/2005 8:33:12 AM

LineUp Frame	PIN Number	Booking Number	Suspect Name	Suspect DOB
#1	92458	509294	WILLIAMS, STEVEN LAVAR	10/6/1978
#2	116247	508743	PIERCE, TIAKAWA LEONDIS	8/5/1987
#3	116446	509352	GUISE, JAMARCUS OMAR	1/3/1988
#4	116492	509494	MCGRUDER, JAAKAWA EDWARD	6/7/1984
#5	116464	509404	MILLER, ERIC DUANE	1/21/1988
#6	114708	509532	GRIMES, WAYNE DEMETRIUS	10/6/1987

## Search Criteria used to prepare this LineUp:

Race: b  
Gender: m  
Age:  
Height:  
Weight:  
Hair Color:  
Hair Style:  
Eye Color:  
Eye Glasses:  
Build:  
Complexion:  
Facial Hair:  
Dexterity:  
Marks:



STATE OF MICHIGAN  
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Supreme Court No. 145994  
Court of Appeals File No. 276454  
LCN No. 06-10096-FH;

v.

OMAR RASHAD POUNCY,

Defendant-Appellant.

GENESEE COUNTY PROSECUTORS'S OFFICE  
Attorney for Plaintiff-Appellee

LAW OFFICES OF DAVID L. MOFFITT & ASSOCIATES  
By: David L. Moffitt (P30716)  
Attorneys for Defendant-Appellant Omar Rashad Pouncy

AFFIDAVIT OF LEONARD ACCARDO, P.I.

LEONARD ACCARDO, being first duly sworn, deposes and says that the facts set forth are true to the best of my knowledge, that he is not disqualified from being a witness, that if called to testify could do so competently and from personal knowledge, except where same may be stated to be based upon information and belief, and as to those matters, he believes them to be true, says:

1. That Affiant is the investigator, retained by Michael J Brezinski ; to handle all investigative matters in connection with the above-captioned cause, at the trial court level;
2. Everything I did in connection with this case is reflected in my testimony, which I am advised is attached as Appendix H, along with the previous affidavit of mine, in the most recent filings in this matter;
3. Although I sought to locate and interview some potential "defense witnesses" provided to me by defendant Pouncy, I was never directed to locate and interview any of the prosecution witnesses listed below, during the pretrial investigative stages of the cause:

LAW OFFICES OF DAVID L. MOFFITT & ASSOCIATES  
THE BINGHAM CENTER

30600 TELEGRAPH ROAD SUITE 2185

BINGHAM FARMS, MICHIGAN 48025

[web] DAVIDLMOFFITT.COM

[e] DLMOFFITTASSOC@AMERITECH.NET

[v] 248-644-0880 [f] 248-307-9545



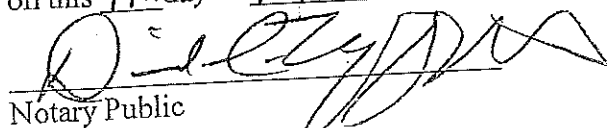
1. Wayne Grimes; 2. Thomas Sandstrom; 3. Officer Joe Phillips; 4. Officer Edwards; 6. Joseph Davis; 7. Willie McKinley; 8. Fingerprint expert; 9. Smitty's Towing; 10. Sgt. David Dwyer; 11. Tlikuala Leondis-ferrel Pierce; 12. Maria Sandstrom; 13. Detective Steve Warda; 14. Officer Bob Farmer; 15. Officer Chris Watts; 16. Allen Diedrich; 17. Charles Smith Jr.; 18. Sammy Wood; 19. C. Corrin; 21. Earl Brady; 22. Officer Randy Yount; 23. Officer James Williams; 24. Sgt. George Thomas; 25. Jason Hickey; 26. Agent Jeff Lowe; 27. Jacob Wood; 28. Terry Roby; 29. Samuel Anderson; 30. Dan Haynes
4. Had I been asked to locate, contact, and interview any of these witnesses during the pretrial stages of this matter I would have, since I was the only defense investigator, to my knowledge;
5. I was never asked to locate a shoe print impression expert. Had I been asked to, I would have attempted to contact one. I never represented myself as a shoe print impression expert to Michael J Brezczinski, prior to trial;
6. Although I was asked to interview co-defendant Wayne Demetrius Grimes, Jr., prior to trial, time did not permit this to take place prior to trial because I would have had to go through his attorney to contact him.
7. I am willing to verify any of the above during any judicial proceedings.

Further Affiant sayeth not.

  
Affiant

STATE OF MICHIGAN       )  
  )SS  
COUNTY OF OAKLAND)

Subscribed and sworn to before me  
on this 4th day of FEBRUARY 2013.

  
Notary Public

## STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE  
OF MICHIGAN,

Plaintiff,

File No. 05-017154-FC

JUDGE ARCHIE L. HAYMAN

VS

OMAR RASHAD POUNCY,

Defendant.

David S. Leyton (P-35086)  
Prosecuting Attorney  
900 South Saginaw Street  
Flint, Michigan 48502  
(810) 257-3232

Daniel D. Bremer (P-23554)  
Attorney for Defendant  
1133 East Bristol Road  
Burton, Michigan 48529  
(810) 232-6231

AFFIDAVIT OF LEONARD ACCARDO

State of Michigan )  
 ) ss.  
County of Genesee )

Leonard Accardo deposes and says as follows:

1. I was the investigator retained by Michael J. Breczinski for the Defendant, Omar Pouncy. To my knowledge, I was the only investigator retained by Mr. Breczinski and he entrusted all investigative matters to me.
2. The excerpt from the trial transcript that is attached to this affidavit accurately reflects all of the matters that Mr. Breczinski requested that I investigate. During the pretrial investigative stage, Mr. Breczinski never asked me to locate a witness named Willie McKinley Joyce. I would have attempted to locate and interview this witness if Mr. Breczinski had requested this.
3. Mr. Breczinski did not ask me to locate a shoe print impression expert.
4. Mr. Breczinski did not ask me to locate or interview Carrice Byrom, Robert Kelly, Helen Carr, Alan Diedrich, or Jason Hickey. I would have attempted to locate and interview these witnesses if Mr. Breczinski had requested this.

5. I never told Mr. Breczinski that I was a shoe print impression expert, nor did Mr. Breczinski ask if I had any experience in this field.

6. I am willing to testify to any of the above facts if necessary.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Dated: 1-11-11

  
LEONARD ACCARDO

1 hand, sir. Do you solemnly swear or affirm the testimony you  
2 give today will be the truth so help you God?

3 MR. ACCARDO: I do.

4 THE COURT: Please pull the door toward you and step  
5 up, sir. And if you would have a seat. And Mr. Breczinski,  
6 you may proceed, sir.

7 LEONARD ACCARDO  
8 called to testify at 11:06 a.m., sworn by the court,  
9 testified;

10 VOIR DIRE

11 BY MR. BREZINSKI:

12 Q Would you say your name for the record?

13 THE COURT: Before you do that, just let me, Mr.  
14 Pouncy, you-you're okay with Mr. Breczinski, at this stage.  
15 Is that correct?

16 MR. POUNCY: Who-for this questioning?

17 THE COURT: Yes.

18 MR. POUNCY: Yes.

19 THE COURT: So you don't have a problem with  
20 interrogating Mr. Accardo?

21 MR. POUNCY: No, I don't.

22 THE COURT: Okay. Mr. Breczinski, proceed.

23 BY MR. BREZINSKI:

24 Q Can you state your name for the record?

25 A Leonard Accardo.

1 Q And what do you do for a living now?

2 A I'm a licensed private investigator and I'm also a certified  
3 legal investigator.

4 Q And what did you do before that?

5 A I was a police officer for approximately twenty years, most of  
6 that as a detective.

7 Q And for what department?

8 A I retired in 1989 from the City of Burton.

9 Q Now, in this matter you were hired to do investigation in  
10 this. Is that correct?

11 A Basically, yes.

12 Q And you were supplied with police reports?

13 A Yes.

14 Q And you were also supplied with the proffer (sic) statement of  
15 Mr. Grimes?

16 A Yes, I was.

17 Q And you were supplied with a couple—some transcripts of  
18 Preliminary Exams?

19 A Yes, sir.

20 Q And various pictures of evidence and every—basically, you took  
21 my file and copied it. Is that not correct?

22 A That is true.

23 Q And as other things came in I got them to you and you got  
24 copies.

25 A You did.

1 Q All right. And you've met with me and Mr. Grimes at the  
2 County Jail on at least one occasion where the three of us--

3 MR. POUNCY: Pouncy.

4 Q --with, I mean, Mr. Pouncy on at least one occasion where we  
5 all sat down together and talked.

6 A Yes.

7 Q And we went over issues of alibi and a number of other things,  
8 motive for Mr. Grimes to--that he might--

9 MR. POUNCY: Pouncy.

10 Q I don't. Excuse me. For Mr. Grimes to have a dispute--

11 THE COURT: Mr. Pouncy. Wait a second.

12 Q --with Mr. Pouncy. Is that correct?

13 A Would you repeat your question, please?

14 Q We went over the fact that there were some issues that Mr.  
15 Grimes might have to dispute with Mr. Pouncy or have some bad  
16 blood.

17 A Yes, we did.

18 Q And we talked about tether and the limits of it. Did we not?

19 A Yes.

20 Q And we talked about alibi witnesses.

21 A Yes.

22 Q And you were given some names including possible witnesses  
23 that--the homeowners where he'd been working and the owner of  
24 it and some other witnesses, correct?

25 A I was given the name of witnesses. I'm not sure if it was



1 homeowners or not.

2 Q And what did you do, subsequently?

3 A Well, we—I was up to see Mr. Pouncy at least two times  
4 subsequent to our original meeting with him and discussed  
5 various aspects. He provided the phone number for his mother,  
6 which in just speaking with her a few moments ago, apparently  
7 was one digit off because I never received phone calls back  
8 from her, okay. There was an issue he wanted me to clarify  
9 with her. In addition to that, we were provided with the name  
10 of his then employer. And being unable to find him in the  
11 phone book, his computer data basis attempting to locate him  
12 and found addresses for him going back to 1995, I think it  
13 was. And as late as this past Monday or Tuesday morning I was  
14 still looking for the employer. I believe his name is Timothy  
15 or Tim Moore. I could find no one home or indication that  
16 even people were living there, this one house in particular.  
17 I was on Franklin Avenue in Flint, Darrell Avenue up in the  
18 Beecher district, another address somewhere in Mount Morris.  
19 And was unable to locate him.

20 Q You wanted to go over the statement Mr. Moore had given to the  
21 police, correct?

22 A That's true, yes.

23 Q Okay.

24 A In addition to that, we sought an opportunity to speak with  
25 Mr. Grimes, Mr. Pouncy's stepbrother. Through his attorney

1 Mr. Tosto, we never received that. We did later receive the  
2 proffer statement that I had a chance to review and look at.

3 Q Is there anything else that you've done in this matter?

4 A I became aware of late in this that there could be a  
5 girlfriend dispute, hard feelings between the two gentlemen  
6 regarding a lady of mutual interest. I was given a basic  
7 location of where she lived, but not specific, a neighborhood  
8 and a first name only.

9 Q Were you able to locate her?

10 A No.

11 Q Did you make some sort of an attempt to do that?

12 A I went through the neighborhood trying to get the bearings,  
13 but I just didn't knock on the doors. I wasn't convinced that  
14 it was a necessary issue and we were running out of time.

15 Q And was there any other matters that you have done?

16 A I can't recall right now any more.

17 Q You spent approximately how many hours working on this?

18 A Oh, probably in the neighborhood of fifteen-twenty hours.

19 MR. BRECZINSKI: I have no further questions for  
20 this.

21 THE COURT: Mr. Larobardiere, any questions you  
22 would have, sir?

23 MR. LAROBARDIERE: No, your Honor.

24 THE COURT: I'm sorry. No questions?

25 MR. LAROBARDIERE: No.

1 THE COURT: All right. Mr. Breczinski, why don't  
2 you find out Mr. Pouncy wants before we let this witness off.

3 MR. BRE CZINSKI: Oh, I did have one last question.

4 BY MR. BRE CZINSKI:

5 Q As a result of that, did you find any witnesses that were  
6 helpful for the Defense?

7 A Um, I was just about to interview his mother when I was called  
8 back into court, so. I would also indicate that there was a  
9 question of foot size, the shoe print I think they found. And  
10 I was able to secure a measuring device and took the  
11 measurements so of two people, their foot today in front,  
12 prior to this.

13 THE COURT: What two people are "they"?

14 WITNESS: Mr. Pouncy would be the second.

15 THE COURT: All right. What size was Mr. Grimes'  
16 foot? What did you find that to be, by the way?

17 WITNESS: He was wearing an extremely heavy sock and  
18 then he put his foot with all his weight on it and I had him  
19 lean forward and it came out to a twelve.

20 THE COURT: Twelve.

21 WITNESS: Yes, sir.

22 THE COURT: All right. And with respect to Mr.  
23 Pouncy, what shoe size does he have?

24 WITNESS: He's right between a thirteen and a  
25 thirteen-and-a-half.

1 MR. POUNCY: With the shoe off?

2 WITNESS: With the shoe off, yes.

3 THE COURT: Okay. Any other questions, Mr.  
4 Breczinski?

5 MR. BRE CZINSKI: I have no more questions.

6 THE COURT: All right. Then, you may step down,  
7 sir. Is there any need for him to remain here? Is there any  
8 testimony that he's going to give that you need, Mr. Pouncy?  
9 (at 11:13 a.m., witness excused)

10 MR. POUNCY: Yes. I want to get my foot measured in  
11 front of the jury.

12 THE COURT: In front of the jury?

13 MR. POUNCY: Yes.

14 THE COURT: All right. I think—is that going to be  
15 it for him, is just having him measure your foot in front of  
16 the jury?

17 MR. POUNCY: Yes.

18 THE COURT: Okay. Then what I'm going to suggest is  
19 that when we—we're going to bring the jury right back up here  
20 now and we're going to have him do that in front of the jury  
21 right now. Okay? So that's taken care of. Mr. Breczinski?

22 MR. BRE CZINSKI: Then I would ask Mr. Accardo finish  
23 his interview with the mother.

24 THE COURT: I'm sorry. Yeah. Yes. He can finish  
25 his interview with the mother and then he probably should make

1           you guys aware of what he got from that interview and to see  
2           whether or not there's a need to call her to the witness  
3           stand. Okay?

4                   MR. BREZINSKI: Also, there's one other thing. And  
5           I would think it's relevant. There was an issue about what he  
6           wanted to get into was the records for the-records that show  
7           when he was-

8                   THE COURT: Oh, for the Sheriff's Department. Yeah.  
9           Now that document, it-it's-could be considered a business  
10          record. I mean, I think a foundation could be laid but you'll  
11          probably need the deputy here to that unless Mr. Larobardiere  
12          is willing to just waive that issue. Do you guys want  
13          Sergeant Proby here, is what I need to know also? Is that an  
14          expectation that you're going to want-

15                   MR. BREZINSKI: That would be the person that I  
16          would like-that would be the natural person.

17                   THE COURT: If she's going to be here, then you  
18          would certainly be able to bring that report in through her  
19          and I would suggest that if she's going to be here, then that  
20          would be the way to do it. Okay?

21                   MR. BREZINSKI: Right. Because that's who's listed  
22          on his-

23                   THE COURT: But have you guys looked into making  
24          sure she's available today or can be here?

25                   MR. POUNCY: She's subpoenaed.

1 THE COURT: She has? Was she subpoenaed for today?

2 MR. LAROBARDIERE: I think so.

3 THE COURT: Was she?

4 MR. LAROBARDIERE: Well, she was subpoenaed, but--  
5 she's a listed witness, so.

6 THE COURT: Now, when--are you calling her?

7 MR. LAROBARDIERE: I--we haven't made that decision  
8 yet. But--

9 THE COURT: I want to make sure she is here. So now  
10 is she going to be here like right after the afternoon or when  
11 are you guys planning to bring her over here?

12 MR. LAROBARDIERE: Well, I was--she was listed for us  
13 as a rebuttal witness.

14 THE COURT: Well, I want her here right after the  
15 lunch break, okay? So I'm going to ask that you guys contact  
16 her over at the Sheriff's Department and tell her that we want  
17 her here at, you know, we're probably going to try to start  
18 back up at about 1:30. So you tell her we want her here at  
19 1:30, okay?

20 All right, then, Jackie is going to get the jury.  
21 And Mr. Accardo, we'll have you take care of that and then  
22 you'll leave to talk to his mother.

23 Mr. Pouncy, there's a concern here that when you're  
24 being regis-measured by Mr. Accardo that the jurors don't see  
25 the device that's on your leg. Now, which leg is it on? Do



1           you know?

2                   MR. POUNCY: Right.

3                   THE COURT: The right leg? Well, which foot did you  
4           want to have measured, your right or your left?

5                   MR. POUNCY: Well, um, I think they both wear the  
6           same thing. It would be the left. I would rather it be the  
7           right.

8                   THE COURT: The right? Then what I'm going to  
9           suggest is that, Mr. Accardo, when you measure his foot that  
10          you can do it right over here. The jury don't have to see it,  
11          okay? And then you can report the results.

12                   CLERK: Everyone rise, please.

13                   THE COURT: Everyone stand, please.

14                   (at 11:17 a.m., jurors return)

15                   THE COURT: All right. Have a seat, ladies and  
16          gentlemen. We are still on the record.

17                   And at this time, ladies and gentlemen, we're going  
18          to deviate just for a second here and we're going to have Mr.  
19          Accardo do a measurement on Mr. Pouncy's right foot. And, Mr.  
20          Pouncy, if you would stand and allow him to conduct that  
21          measurement right now.

22                   MR. POUNCY: (inaudible)

23                   THE COURT: You'll be able to do that right after we  
24          do the measurement first. Yeah, go right ahead, right there.

25                   (at 11:18 a.m., measurement taken)

1 THE COURT: All right. And Mr. Accardo, if you  
2 would step to the podium here, just for one second. And then  
3 we'll let you go. And you would just state your name for the  
4 record, please?

5 MR. ACCARDO: Leonard Accardo.

6 THE COURT: And Mr. Accardo, if you would raise your  
7 right hand and do you solemnly swear or affirm the testimony  
8 you give will be the truth so help you God?

9 MR. ACCARDO: I do.

10 THE COURT: All right. Mr. Pouncy, you want to  
11 question him about the measurement right quick and then we'll  
12 be able to let him go?

13 MR. POUNCY: May I approach the podium?

14 THE COURT: You can question him from right there if  
15 you like. And you can stand and question him.

16 LEONARD ACCARDO

17 called to testify at 11:18 a.m., sworn by the court,  
18 testified;

19 DIRECT EXAMINATION

20 BY MR. POUNCY:

21 Q Upon your discovery—you are a certified legal investigator,  
22 right?

23 A Yes, sir, I am.

24 Q Upon your discovery of measuring my right foot, what size did  
25 you discover?

1 A Size thirteen-and-a-half.

2 Q That was with the shoe on or off?

3 A Shoe off.

4 MR. POUNCY: Thank you, sir.

5 THE COURT: That's all, Mr. Pouncy?

6 MR. POUNCY: Yes, sir.

7 THE COURT: Mr. Larobardiere.

8 CROSS EXAMINATION

9 BY MR. LAROBARDIERE:

10 Q Mr. Accardo, this piece of evidence this is a footprint of a  
11 foot with the shoe on, correct?

12 A Yes, it is.

13 Q And the measurement taken of this shoe print with the shoe on  
14 was a ruler in inches, correct?

15 A Yes, sir.

16 Q And the shoe size tool is-measures in shoe sizes, it's not  
17 inches, correct?

18 A Correct.

19 MR. LAROBARDIERE: Thank you.

20 THE COURT: Well, while-you left it begging the  
21 question. And Mr. Larobardiere, what, then is, Mr. Accardo,  
22 if you can tell us, what would be the difference in scale  
23 between the inches on the ruler and what's on the shoe sizer?

24 WITNESS: To be very honest with you, your Honor,

25 I'm not sure.

1 THE COURT: You have no idea.

2 WITNESS: I have no idea.

3 THE COURT: All right. So, you can't say whether-  
4 how they compare with each other then, the ruler versus the  
5 shoe scaler. Is that correct?

6 WITNESS: I cannot.

7 THE COURT: All right. Thank you, sir.

8 (at 11:20 a.m., witness excused)

9 THE COURT: All right. Mr. Larobardiere, call your  
10 next witness.

11 MR. LAROBARDIERE: Thank you, Judge. We call Dan  
12 Haynes.

13 MR. POUNCY: I have an objection, your Honor.

14 THE COURT: Just one second. Any objection to call  
15 Dan Haynes?

16 MR. POUNCY: Yes.

17 THE COURT: All right. And state your objection.

18 MR. POUNCY: He's on the witness list for March-or  
19 February 16 or March 7 or 19 or something like that. He's not  
20 on the witness list for-

21 THE COURT: Oh, so he's-in other words, he's  
22 involved in something else.

23 MR. POUNCY: Yes.

24 THE COURT: I get your point. All right. What's  
25 your position on that, Mr. Larobardiere?



State of Michigan  
In the Circuit Court for the County of Genesee  
7th Judicial Circuit

People of the State of Michigan,  
Plaintiff,

Circuit Court No. 05-017154-FC

vs

Judge: Hayman

Omar Rashad Pouncy,  
Defendant.

Attorney for Plaintiff:

David S. Leyton, P35086  
Prosecuting Attorney  
Genesee County, Michigan

Dale A. DeGarmo, P36501  
Assistant Prosecuting Attorney  
100 Courthouse  
Flint, MI 48502  
(810) 257-3248

Attorney for Defendant:

Daniel D. Bremer, P23554  
1133 East Bristol Road  
Burton, MI 48529  
(810) 232-6231

People's Answer in Opposition to  
Defendant's Motion for Relief From Judgment

Defendant Omar Pouncy was charged with multiple counts in two separate files.

Both cases arise out of defendant's involvement in carjackings during which defendant posed as a potential buyer of vehicles advertised for sale. In each incident, after arranging to take the vehicle for a drive, defendant would pull a gun on the seller and steal the vehicle. In this case, 05-017154-FC, defendant was jury convicted for carjacking Earl Brady and Thomas and Maria Sandstrom (Brady jury trial). This Court also held a separate bench trial for carjacking Ralph Haynes. 05-017448-FC (Haynes bench trial).

On February 1, 2006, defendant was jury-convicted in file 05-017154-FC, (Brady jury trial), of four counts of carjacking, MCL 750.529a, four counts of armed robbery, MCL 750.529, two counts of carrying a firearm during commission of a felony (felony firearm), MCL 750.227b, and one count of being a felon in possession of a firearm (felon in possession), MCL 750.224f. This court sentenced defendant as a third offense habitual offender, MCL 769.11, to concurrent sentences of 2 years each for the felony firearm counts, followed by concurrent sentences of 562 months to 800 months' imprisonment for each of the four counts of carjacking, to 562 months to 800 months' imprisonment for each of the four counts of armed robbery, and two to 10 years' imprisonment for felon in possession. (Judgment of Sentence, 3-9-06).

In file 05-017448-FC (Haynes bench trial), defendant was convicted on April 7, 2006 of one count each of carjacking, armed robbery, felony firearm, felon in possession, and carrying a concealed weapon, MCL 750.227. The conviction was reversed by the Court of Appeals. *People v Omar Rashad Pouncy, (On Reconsideration)*, unpublished opinion per curiam of the Court of Appeals, issued March 25, 2008 (Docket No. 269298). Following remand to this Court the prosecution dismissed the charges.

\* \* \*

Defendant Pouncy was represented at Preliminary Exam and at the beginning of the Brady jury trial by attorney Michael Breczinski. During the jury trial defendant began representing himself and conducted his own defense.

Defendant is currently incarcerated with the Michigan Department of Corrections.



**Counter Statement of Facts<sup>1</sup>**

**The Brady Carjacking [05-017154-FC]**

Joseph Davis testified that Earl Brady brought a Camaro drag-racing car to his racecar chassis fabrication shop to display it for sale. Approximately four or five days before September 29, 2005, three men came to look at the Camaro; one of them identified himself as "Jacob Woods." At trial, Davis identified defendant as "Jacob Woods" and noted that he had been the one doing most of the talking. Defendant came back a second time and then a third time on the 29th. On September 29th, defendant called Davis and indicated that he was ready to make a deal, so Davis called Brady and told him to come over. Brady arrived in his truck with his friend Patrick Wendell. Defendant and two other men showed up later in a grey Intrepid. During negotiations, defendant told Davis that he wanted to take the Camaro to his mechanic at King Automotive. Brady agreed, loaded the Camaro onto a trailer attached to his truck, and they all left.

At trial, both Brady and Wendell identified the prospective buyer of the Camaro as defendant. The group arrived at a house where defendant said they would meet the mechanic and defendant asked Brady to back the truck into the driveway. Defendant and Brady were discussing the Camaro, when one of defendant's associates pulled out a gun and demanded Brady's keys and cell phone. When Brady refused, the associate fired the gun up into the air; Brady then complied. The men also took Wendell's cell phone. The men told Wendell and Brady to walk across the street and into the woods. While in the woods, Brady and Wendell

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<sup>1</sup> The facts presented here are copied from the Court of Appeals Opinion, *People v Omar Rashad Pouncy*, (on Reconsideration) unpublished opinion per curiam of the Court of Appeals, issued March 25, 2008 (Docket Nos. 269298 & 270604).

heard the vehicles drive away. Brady and Wendell walked to a nearby house and called the police.

Wayne Grimes, defendant's stepbrother, testified that he helped defendant commit the Brady carjacking. Grimes testified that he owned an Intrepid, in which he drove defendant and defendant's friend, Tiaqua, to Davis's race shop on September 29, 2005. After defendant spoke to some men about a car, defendant directed Grimes to drive to defendant's "engineer." On the way, defendant told Grimes that he planned to "take" the cars and sell them, and Tiaqua handed Grimes a gun. Grimes testified that they arrived at a house, and, after Grimes gave him the signal, he pointed the gun at one of the men and took his keys and cell phone. He testified that he shot the gun in the air when the man first refused. He also testified that he ordered the men to walk into the woods. According to Grimes, after the men walked into the woods, he got in his car and left defendant and Tiaqua. Grimes testified that he had pleaded guilty to armed robbery and felony firearm.

#### **The Sandstrom Carjacking**

Thomas Sandstrom testified that on October 11, 2005, a man, who had already called the previous day, came to his home in a metallic Intrepid to see a Cadillac that Sandstrom had advertised for sale. At trial, both Thomas and his wife Maria Sandstrom identified defendant as the prospective buyer. Defendant asked to take the car to his mechanic at King Automotive and Thomas agreed. Thomas rode in the Cadillac with defendant, defendant's associate drove the Intrepid, and Maria followed in her Corvette. They ended up at the last house on a dead end dirt road. Defendant asked Thomas for the title and they went to the Corvette to retrieve it from Maria. Thomas then felt defendant stick a gun in his side and defendant told Maria to get out of the Corvette. Thomas was asked for his wallet, and both

the Sandstroms were ordered into the woods. Thomas heard the cars drive away, so he and Maria walked back to the road and flagged down a passing police car. Maria had memorized the license plate of the Intrepid and gave it to the police.

Grimes testified that he also helped defendant commit the Sandstrom carjacking. He testified that he, Tiaqua, and defendant were driving around, and defendant was looking at automotive sales ads in the newspaper. At some point, defendant called about an ad and then directed Grimes to drive to the seller's house. After defendant spoke to a man about a car, defendant told Grimes that he was going to take the car for a test drive. On the way, Grimes "[f]ound out that ... it's about to happen again"-that defendant planned to steal the cars. Grimes testified that just after they arrived at the house, he heard the women screaming, and he got out of his car, covered his license plate, and then drove away, leaving defendant and Tiaqua behind. Grimes admitted that, when he was first arrested, he denied any involvement in the carjackings.

### **The Arrest and Trial**

Detective James Gagliardi testified that he was assigned to investigate the Brady carjacking, but his investigation hit a dead-end. However, on October 12, 2005, he received notice of the Sandstrom carjacking and, after investigating the Intrepid lead, he was able to locate Grimes. Grimes was arrested, and, during interrogation, he identified defendant as one of his accomplices. Gagliardi testified that he put together a photo showup of defendant, and that Davis, Brady, and the Sandstroms all immediately identified defendant. Sometime around October 13, 2005, Anderson and Dan Haynes viewed a photo showup, and both men identified defendant as the carjacker. (05-17448-FC) Gagliardi testified that defendant was taken into custody on Friday, October 14, 2005.

In late January and early February 2006, the trial court held the Brady jury trial. At the beginning of trial, defendant expressed dissatisfaction with his appointed attorney. Defendant claimed that he and his attorney Michael Brezczinski were "really not on the same page." Defendant indicated that he was not comfortable with Brezczinski's representation because Brezczinski had not filed some requested motions or an alibi notice and the longest contact he had with Brezczinski was a 15-minute conversation on the day of trial. Defendant requested replacement counsel. The trial court explained that Brezczinski could not file legal documents without a proper basis and that defendant did not have the knowledge or experience to know whether the requested motions were proper. The trial court also assured defendant that Brezczinski was a very experienced attorney. The trial court denied defendant's request for new counsel, noting that "we're here on the day of trial, we got a jury downstairs that's ready to go and we're gonna try this case today[.]" Although the trial court denied defendant's request, it still inquired about the efforts Brezczinski had taken with regard to defendant's alibi and other matters. Brezczinski explained that he had taken steps to investigate defendant's alibi and address the other issues raised by defendant.

After jury selection, defendant proffered an objection. The trial court advised the defendant on the record regarding the waiver of counsel. After the prosecution's opening statement, defendant requested permission to give his own opening statement. The trial court again advised defendant about the waiver of counsel. This court then determined that Brezczinski should continue representing defendant and make the opening statement. Just before Brezczinski was about to cross-examine the first trial witness, Brezczinski told the court that defendant had passed him a note during the direct examination that stated, "I'm gonna

represent myself from now on so you can tell the Judge.” Yet again this court advised defendant about self-representation.

The trial lasted six days and included all the charges stemming from both the Brady and Sandstrom carjackings. The jury convicted defendant as charged of four counts of carjacking, four counts of armed robbery, two counts of felony firearm, and one count of being a felon in possession of a firearm.

*People v Omar Rashad Pouncy*, (On Reconsideration), unpublished opinion per curiam of the Court of Appeals, issued March 25, 2008 (Docket No. 269298 & 270604).

Additional facts not referenced in the Slip Opinion will be provided in the argument portion of this answer. The most significant fact is that defendant testified in his own defense. (TT 1-31-06, 00163-213) This is contrary to defendant’s current claim that “Mr. Pouncy did not testify”.

#### **The Haynes Carjacking [05-17448-FC]**

In September 2005, Ralph Haynes had a Monte Carlo on display for sale in the front yard of Samuel Anderson's home. Ralph was selling the car to pay for anticipated funeral expenses associated with his impending death from cancer. Anderson explained that on Saturday, September 24, 2005, a person came to look at Ralph's car. At trial, Anderson identified defendant as the prospective buyer.

Dan Haynes testified that he went to Anderson's house with Ralph on Wednesday, September 21, 2005, in order to meet some people who were interested in purchasing the Monte Carlo. At trial, Dan identified defendant as the prospective buyer. On September 24th, defendant arrived at Anderson's house and asked to take the car for a test drive. Anderson agreed to accompany defendant on the test. Anderson informed defendant that the

car was not insured and instructed defendant on a specific route for the test drive. Anderson testified that part of the instructed route included getting on the expressway, but as they approached the expressway ramp, Anderson realized that defendant was in the wrong lane. When Anderson advised defendant that he needed to change lanes, defendant replied, "No, the car is mine now[,]” pulled out a gun, and pointed it at Anderson. Anderson told defendant he could have the car and asked to be let out. Defendant stopped at a red light and told Anderson, "All right when that light turns green you better be out the door or I will blow you through the door.” Anderson got out.

The Haynes bench trial lasted four days in April 2006. (05-17448-FC) At the close of proofs, this Court convicted defendant of one count each of carjacking, armed robbery, felony firearm, felon in possession, and carrying a concealed weapon, MCL 750.227. Defendant appealed to the Court of Appeals. The Court found only one dispositive and held that defendant was deprived counsel during a critical stage of the proceedings because he did not unequivocally waive his right to counsel during the pretrial proceedings. For that reason, defendant's convictions were reversed. *People v Omar Rashad Pouncy, (On Reconsideration)*, unpublished opinion per curiam of the Court of Appeals, issued March 25, 2008 (Docket No. 269298 & 270604).

### **Direct Appeal**

#### **A. Defendant Pouncy's Appeal to the Court of Appeals:**

Defendant, represented by SADO attorney, Chari Grove, filed an appeal of right to the Michigan Court of Appeals on March 28, 2006.

In his brief defendant presented nine issues:

- I: Defendant's waiver of counsel was not voluntary or unequivocal and his conviction must be reversed.
- II: Defendant was denied his right to effective assistance of counsel; the court erred by refusing to grant a continuance for defendant to obtain substitute counsel.
- III: Defendant Pouncy was denied due process of law by the impermissible joinder of eleven charges based on two entirely separate incidents.
- IV: Defendant was denied due process of law by the use of suggestive photo identification procedures and the denial of a corporeal lineup.
- V: The trial court denied defendant a fair trial, his right to present a defense, and a properly instructed jury by failing to instruct on the principal defense of alibi, on accomplice witness credibility, and on mere presence; defendant was denied effective assistance of counsel by the lack of requests for those instructions.
- VI: Defendant was denied a fair trial by the introduction of other criminal acts that were not sufficiently similar to prove identity and that were unduly prejudicial.
- VII: The trial court denied defendant a fair trial by allowing the star prosecution witness to testify, over objection, that he was telling the truth because of his religious belief.
- VIII: The trial court denied defendant a fair trial by admitting a highly inflammatory tape recording that was not sufficiently authenticated and that was so inaudible to be untrustworthy.
- IX: Defendant was sentenced on the basis of inaccurate information where OV 12 was misscored, and he is entitled to resentencing.  
(Appellant's Amended Brief on Appeal, *People v Pouncy*, COA 269298, filed Dec 4, 2006).

Defendant, in pro per, filed a Standard 4 Brief on February 28, 2007. Defendant presented eight additional claims of error:

- I. Defendant was deprived of a fair trial due to the substantial prejudice he suffered from the unnecessary, intentional, and prejudicial delay in his arrest, and his convictions must be reversed and charges dismissed.



- II. Defendant was deprived of his right to a public trial and reversal is required without the showing of actual prejudice.
- III. Defendant was impermissibly deprived of his right to confront witnesses as guaranteed by the Sixth Amendment, which is made obligatory on the states by the Fourteenth Amendment, reversal is required without the showing of prejudice.
- IV. Defendant's waiver of counsel was ineffective due to the trial court's failure to advise him of the "accurate" maximum possible sentence, failure to advise defendant of the mandatory minimum sentence required by law for the charge of armed robbery and felony firearm at the time of the waiver, failure to advise him of all of the disadvantages involved in self-representation, failure to reaffirm the waiver at subsequent proceedings, and for allowing defendant to represent himself after he clearly told the trial court that he was not prepared for trial.
- V. Defendant was denied his right to due process due to the suppression of exculpatory and impeaching evidence by the prosecution notwithstanding his constant request.
- VI. Defendant was impermissibly deprived of his right to represent himself at the pretrial stages and his right to counsel of his choice (retained), due to the trial court's failure to appraise his request.
- VII. Defendant Pouncy was denied a fair trial due to the prosecution's improper burden-shifting arguments during closing argument concerning defendant's alibi defense.
- VIII. The cumulative amount of errors that riddled defendant's trial whether deemed preserved or unpreserved deprived him of a fair trial.  
(Appellant's Pro Per Supplemental Brief on Appeal, *People v Pouncy*, COA 269298, filed Feb 28, 2007)

Defendant later filed a Supplemental Brief on Appeal raising two more issues:

- I. The prosecutor's failure to disclose the full extent of the promises of leniency given to the star prosecution witness in return for his testimony against defendant denied Mr. Pouncy his right to confrontation and his right to due process of law.
- II. The substantial departure from the verdict form was coercive and defendant's conviction must be reversed.

(Appellant's Supplemental Brief on Appeal, *People v Pouncy*, COA 269298, filed May 15, 2007).

The Court of Appeals, in an opinion addressing both trials, affirmed defendant's convictions and sentences in this case, the Brady jury trial, 05-17154-FC, but reversed the convictions and remanded in the Haynes bench trial, 05-17448-FC. *People v Omar Rashad Pouncy (On Reconsideration)*, unpublished opinion per curiam of the Court of Appeals, issued March 25, 2008 (Docket Nos. 269298 & 270604). [Hereafter "Slip op"]

The Court of Appeals held that "the trial court did not clearly err when it determined that defendant knowingly, intelligently and voluntarily waived his right to counsel. Therefore, the trial court did not err when it permitted defendant to represent himself." (*Pouncy*, Slip op, p 12).

The Court also held: "Although defendant claims that the trial court entrusted the selection of jury instructions to Breczinski, the record demonstrates that defendant took an active role in deciding which instructions the court should give. Further, the trial court specifically asked both Breczinski and defendant if they were satisfied with the reading of the instructions and both expressed satisfaction with the reading. By expressly approving the instructions, defendant waived any claim of error. *People v Lueth*, 253 Mich App 670, 688; 660 NW2d 322 (2002)." (*Pouncy*, slip op, p 21).

"Defendant also argues that Breczinski, although serving only as standby counsel, was ineffective for failing to request instructions on the defense of alibi, accomplice credibility, and mere presence. However, a defendant who asserts his right to self-representation has no entitlement to the effective assistance of advisory counsel. *People v Kevorkian*, 248 Mich App 373, 425-426; 639 NW2d 291 (2001). Accordingly, there were

no instructional errors warranting relief.” (*Pouncy*, slip op, p 21).

#### **B. Michigan Supreme Court:**

Defendant Pouncy, represented by SADO, filed an application for leave to appeal in the Michigan Supreme Court. He repeated the same thirteen issues that he had raised his original brief on appeal and supplemental brief on appeal in the Court of Appeals and also attached his pro per brief that contained eight issues and requested the Supreme Court review these issues. *People v Omar Rashad Pouncy*, SC # 136202 (Defendant’s Application for Appeal, filed April 11, 2008).

The Supreme Court denied the application: “because we are not persuaded that the questions presented should be reviewed by this Court.” *People v Omar Rashad Pouncy*, 482 Mich 895 (July 29, 2008).

#### **C. Defendant’s Motion for Relief from Judgment:**

Defendant, represented by attorney Daniel D. Bremer, filed a motion for relief from judgment on July 22, 2009. The Brief in Support of Motion for Relief From Judgment was not filed until December 21, 2009 and presents fifteen issues [hereafter “Def’s Brief”]:

- I. The Defendant received ineffective assistance of appellate counsel and for this reason he has good cause for failing to raise the various issues set forth below to the extent that they are not based on newly discovered evidence.
- II. The Prosecutor denied the defendant due process of law by failing to correct the false testimony of Wayne Grimes, a key witness.
- III. The Prosecutor denied defendant due process of law by allowing a police officer to place a police report containing inadmissible evidence on the ledge of the juror box where it was visible to the jury.
- IV. The Defendant was denied due process of law because the prosecutor failed to disclose potentially exculpatory evidence in the form of a

written statement of one of the complainants, Thomas Sandstrom, before Mr. Sandstrom testified.

- V. There was a possible extraneous influence on the jury in the form of either discussion of a telephone call from the Genesee County jail received by one juror, or telephone calls to other jurors that require a hearing, but no hearing was conducted.
- VI. The Prosecutor denied defendant due process of law by making disparaging remarks about the Defendant in his capacity as his own attorney.
- VII. The Court denied the defendant due process of law and the right to present a defense by preventing the defendant from calling Wayne Grimes in his case in chief.
- VIII. The defendant's trial attorney was ineffective in failing to have competent evidence to show the shoe size of the shoe print impression left at the alleged crime scene.
- IX. Standby counsel had no authority to stipulate that the defendant had been convicted of an unspecified felony.
- X. There is newly discovered evidence in the form of an affidavit from Tiakawa Pierce who was unavailable at the time of the trial.
- XI. There is newly discovered evidence in the form of an affidavit from Quillie B. Strong that shows that the telephone number used by the person who called one of the complainants on September 24, 2005 was traceable to a person other than the defendant, contrary to the representations made by the prosecutor during the trial.
- XII. There was prosecutorial misconduct when the prosecutor produced a power point slide during his opening statement and closing argument that proclaimed "Omar Pouncy is guilty." Also the prosecutor produced a slide during his closing argument referring to Mr. Pouncy as "A seller's worst nightmare." The prosecutor vouched for the credibility of Wayne Grimes. Alternatively, defendant's attorney was constitutionally ineffective in failing to object to this misconduct.
- XIII. The armed robbery instruction denied the defendant due process of law by referring to the complainants as "victims".
- XIV. Trial counsel was constitutionally ineffective in failing to produce at trial three exculpatory witnesses, Charles Smith, Willie Joyce McKinley,

and Carrice Byrom, two alibi witnesses, Carrice Byrom and Helen Carr, as well as sheriff deputies in charge of the work release program, and in failing to investigate possible credit card transactions with credit cards alleged stolen from the complaining witnesses.

- XV. The cumulative effect of the errors and absence during the trial of the newly discovered evidence set forth above deprived the defendant of due process.

[Def's Brief, pp i-ii]

**D: Defendant's Pro Per Motions:**

Defendant, pro per, filed five motions dated July 9, 2009: Motion for Expansion of Record; Motion for a *Ginther* Hearing; Motion for Discovery; Motion for Appointment of Forensic Shoeprint Impression Expert Witness; and, Motion for a *Remmer* Hearing. (Motions filed July 22, 2009) All five motions were signed by defendant, not by appointed counsel Daniel Bremer. (Order appointing counsel entered May 21, 2009)

This Court entered an order directing that the prosecutor file a response "addressing the allegations in Defendant's Motion for Relief from Judgment". (Order entered Dec 26, 2009). The People will address the allegations in the Motion for Relief From Judgment but will not address the issues raised in defendant's pro per motions because they are not contained in the motion for relief from judgment.

## ARGUMENTS

Defendant brings this motion pursuant to MCR 6.500. The people maintain that the trial court may not grant defendant's request where the motion alleges grounds for relief which were decided against the defendant in a prior appeal [MCR 6.508(D)(2)] or an issue that was not, but could have been raised in a prior appeal, the defendant must show both good cause for the failure to raise the issue and actual prejudice from the alleged irregularities that support the claim for relief [MCR 6.508(D)(3)]. *People v Reed*, 449 Mich 375; 535 NW2d 496 (1995).

Defendant argues fifteen issues in this motion for relief from judgment as grounds for relief to wit: appellate counsel was ineffective (Issue I): the prosecutor's failure to correct false testimony (Issue II): the prosecutor allowing witness to place a police report before the jury (Issue III): the prosecutor's failure to disclose potentially exculpatory evidence (Issue IV): possible extraneous influence on the jury (Issue V): the prosecutor's remarks about defendant (Issue VI): the court preventing defendant from calling a witness (Issue VII): ineffective assistance of trial counsel for alleged error regarding shoe print impressions (Issue VIII): standby counsel's stipulation to defendant's prior felony conviction (Issue IX): newly discovered evidence (Issues X & XI): prosecutor misconduct by use of a power point (Issue XII): jury instruction used the word "victim" (Issue XIII): trial counsel was ineffective for failing to produce witnesses at trial (Issue XIV): and, cumulative error (Issue X).

Defendant either raised these issues in this prior appeal or he could have done so. Because requests for *habeas corpus* type review, such as motions for relief from judgment, are in tension with society's strong interest in the finality of criminal convictions, the courts have established rules that make it more difficult for a defendant to upset a conviction by

collateral, as opposed to direct attack. *Ciaik v United States*, 59 F3d 296, 301 (1995) citing *United States v Frady*, 456 US 152, 165 (1982). “The specific purpose for creating the post-conviction procedure was to provide finality of judgments affirmed after one full and fair appeal and to end repetitious motions for new trials.” *Reed, supra*, at 381. “Neither the guarantee of a fair trial nor a direct appeal entitles a defendant to as many attacks on a final conviction as ingenuity may devise. *Reed, supra* 389-390.” *People v Clark*, 274 Mich App 248 (2007). The burden is on the defendant to establish that he is entitled to relief. MCR 6.508(D).

**MCR 6.508(D)(2)**

**A. Defendant is not entitled to relief from judgment based on his claim ineffective assistance of trial counsel was raised in his prior appeal and decided against defendant, MCR 6.508(D)(2).**

Defendant argues ineffective assistance of trial counsel for alleged error regarding shoe print impressions (Issue VIII), error by standby counsel’s stipulation to defendant’s prior felony conviction (Issue IX), and, trial counsel was ineffective for failing to produce witnesses at trial (Issue XIV). The people maintain that this court must deny the defendant’s motion for relief on his claims regarding ineffective assistance of trial counsel because the issue was decided against him in his a prior appeals.

The rule is clear: “The court may not grant relief to the defendant if the motion alleges grounds for relief which were decided against the defendant in a prior appeal . . . unless defendant establishes that a retroactive change in the law has undermined the prior decision.” MCR 6.508(D)(2). In defendant’s appeal of right he alleged trial counsel was ineffective by the lack of requests for instructions regarding on the principal defense of alibi, accomplice witness credibility, and on mere presence.



Defendant's motion for relief from judgment does not involve a separate action, but rather a new request for post conviction review involving the same suit. Accordingly this case involves application of the law of the case doctrine. The doctrine holds that a ruling by a reviewing court on a particular issue binds the reviewing court and all lower tribunals with respect to that issue. Thus, a question of law decided by the reviewing court will not be decided differently on remand or in a subsequent appeal in the same case. The primary purpose of the doctrine is to maintain consistency and to avoid reconsideration of matters once decided during the course of a single continuing lawsuit. *Higgins Lake Prop Owners Assn' v Gerrish Twp*, 255 Mich App 83, 91; 662 NW2d 387 (2003). The law of the case applies to issues actually decided, either implicitly or explicitly, in the prior appeal. *Grievance Admin v Lopatin*, 462 Mich 235, 260; 612 NW2d 120 (2001).

Courts have applied the law of the case doctrine to collateral challenges in federal habeas cases. "[F]ederal courts employ the more flexible doctrine of law of the case even when rules of preclusion do not govern. . . . This is true in collateral proceedings as well as in normal civil litigation. *Sanders v United States*, 373 US 1; 83 S Ct 1068; 10 L Ed 2d 148 (1963), restated these common-law norms, which have been modified by the Antiterrorism and Effective Death Penalty Act for successive collateral reviews, but left in place for the initial round. (Although *Sanders* dealt with successive rounds of collateral proceedings, the Court has held that its approach applies equally when the same issue is raised on direct appeal and again on an initial round of collateral review. See *Davis v United States*, 417 US 333, 342; 94 S Ct 2298; 41 L Ed 2d 109 (1974). The Court held in *Sanders* that an initial federal determination controls in subsequent rounds of review if "(1) the same ground presented in the subsequent application was determined adversely to the applicant on the

prior application, (2) the prior determination was on the merits, and (3) the ends of justice would not be served by reaching the merits of the subsequent application." 373 US at 15. *Peoples v United States*, 403 F3d 844, 847 (CA 7, 2005).

"Ineffective assistance of counsel is a single ground for relief no matter how many failings a lawyer may have displayed." *Id.* at 848. "[I]t is the overall deficient performance [by a defendant's attorney], rather than a specific failing, that constitutes the ground of relief," the purposes behind the rules of procedural default requires a party to present to the court both the facts and the law on which he relies. Thus, the failure to alert the court to a complaint about one aspect of counsel's assistance will lead to a procedural default. *Stevens v McBride*, 489 F3d 883, 894 (CA 7, 2007).

In this case the Court of Appeals held that trial counsel was not ineffective. Defendant is procedurally defaulted from raising ineffective assistance of trial counsel in a motion for relief from judgment.

#### **MCR 6.508(D)(3)**

**B. The defendant is not entitled to relief from judgment because he failed to raise the issues in his prior appeals to the Michigan Court of Appeals and the Michigan Supreme Court.**

The people also maintain that this Court may not grant defendant's request where the motion alleges grounds for relief, other than jurisdictional defects, which could have been raised on appeal from his conviction and sentence unless defendant demonstrates **both** good cause for failure to raise an issue and actual prejudice resulting from the alleged irregularity.

*Reed, supra.*

“The specific purpose for creating the post conviction procedure was to provide finality of judgments affirmed after one full and fair appeal and to end repetitious motions for new trials. MCR 6.508(D) is identical to the federal standards for habeas corpus relief under 28 USC § 2255. Post conviction relief is provided for the extraordinary case in which a conviction constitutes a miscarriage of justice.” *Reed, supra*, 381.

### **Good Cause**

The Court of Appeals in applying MCR 6.508(D)(3) held the rule “requires a defendant to show good cause for failure to raise a claim in an appeal if one is filed.” The Court also reaffirmed that the rule requires that “the trial court must articulate on the record that it found good cause and identify what the good cause is.” *People v Clark*, 274 Mich App 248 (2007). In this case defendant’s allegation of good cause is ineffective assistance of appellate counsel. (Def’s Brief, Issue I, pp 5-6). Defendant alleges ineffective appellate counsel for the failure to raise “markedly stronger” issues that he raised in this motion for relief from judgment. (Def’s Brief, p 6).

#### **A. Defendant’s self-representation precludes a claim of ineffective assistance of counsel.**

The People contend that ineffective assistance of appellate counsel cannot be good cause for defendant’s failure to raise the issues in his prior appeals because he was self-represented when he filed his pro per Standard 4 brief in the Court of Appeals and his pro per application was submitted with his application to the Supreme Court.

A review of defendant Pouncy’s arguments indicate that the various claims: the prosecutor’s failure to correct false testimony (Issue II); the prosecutor allowing witness to place a police report before the jury (Issue III); the prosecutor’s failure to disclose potentially

exculpatory evidence (Issue IV); possible extraneous influence on the jury (Issue V); the prosecutor's remarks about defendant (Issue VI); the court preventing defendant from calling a witness (Issue VII); ineffective assistance of trial counsel for alleged error regarding shoe print impressions (Issue VIII); standby counsel's stipulation to defendant's prior felony conviction (Issue IX); prosecutor misconduct by use of a power point (Issue XII); jury instruction used the word "victim" (Issue XIII); trial counsel was ineffective for failing to produce witnesses at trial (Issue XIV); and, cumulative error (Issue XI); all rest on facts previously available to him when he acted *pro se* in the Michigan Court of Appeals and Michigan Supreme Court. Defendant was present for the trial, represented himself at trial, and was well aware of all the testimony and arguments relied on for the challenges he argues in this motion.

Again, ineffective assistance of appellate counsel cannot form the basis of good cause for defendant's own failure to raise the issues because he was self-represented in his prior appeals to the Michigan Court of Appeals. Defendant could have raised any of these issues in his Standard 4 Brief. "[A] defendant who elects to represent himself cannot thereafter complain that the quality of his own defense amounted to a denial of 'effective assistance of counsel.'" *People v Burden*, 141 Mich App 160, 164 (1985) quoting *Faretta v California*, 422 US 806, 835, fn 46; 95 S Ct 2525; 45 L Ed 2d 562 (1975). Defendant was not precluded from raising his current issues in his *pro per* brief in the Court of Appeals or his *pro per* application to the Supreme Court. There is no ineffective assistance of counsel to excuse his procedural default. See also *Rockwell v Palmer*, 559 F Supp 2d 817, 834 (2008).

In sum, defendant fails to establish cause for failing to raise his current issues in his prior appeals. Defendant is not entitled to claim ineffective assistance of counsel due to his

self-representation. This Court should deny defendant's motion because he has failed to show good cause for failing to raise these issues in his prior appeal.

**B. Appellate counsel was not ineffective.**

Arguendo. If this court were to hold that defendant's self-representation does not preclude him from establishing good cause based on ineffective assistance of appellate counsel, defendant must establish ineffective assistance of appellate counsel.

Defendant argues that appellate counsel, SADO attorney Chari Grove, was ineffective because the issues she raised on appeal "were unsuccessful" and "the issues raised in his Motion for Relief from Judgment are markedly stronger issues." (Def's Brief, p 6) Attorney Grove represented defendant in his prior appeals to the Court of Appeals and Supreme Court, attaching a copy of defendant's pro per brief in the Court of Appeals to the Application to the Supreme Court. Defendant's mere allegation of ineffective assistance of appellate counsel because the issues raised on appeal "were unsuccessful" does not establish his claim of ineffective assistance.

Michigan has defined "good cause" under MCR 6.500 as "proving ineffective assistance of appellate counsel, pursuant to the standard set forth in *Strickland v Washington*, 466 US 668; 104 S Ct 2052; 80 L Ed 2d 674 (1984), or by showing that some external factor prevented counsel from previously raising the issue." *People v Reed*, 449 Mich 375, 378 (1995). While defendant alleges that appellate counsel did not raise his current claims in his appeal, the decisions hold that the failure to present every colorable issue does not constitute ineffective representation. *Jones v Barnes*, 77 L Ed 2d 987 (1983); *People v Pickens*, 446 Mich 298 (1994).

Claims of ineffective assistance of counsel are reviewed under the test set forth in *Strickland*, and *Pickens*, at 302-303. To merit a new trial because of ineffective assistance of counsel, the defendant has the heavy burden of demonstrating that defense counsel's performance was so deficient that he was not functioning as constitutionally guaranteed "counsel" and that defense counsel's performance prejudiced the defendant to the extent that it is reasonably probable that the outcome of the proceedings would have been different. *People v Carbin*, 463 Mich 590, 600, quoting *Strickland*.

When claims of ineffective assistance of counsel are not properly preserved, the Court's review is "limited to errors apparent on the record." *People v Matuszak*, 263 Mich App 42, 48 (2004). Effective assistance of counsel is presumed, and defendant bears a heavy burden of proving otherwise. *People v Stanaway*, 446 Mich 643, 687 (1994).

Under a deferential standard of review, appellate counsel's decision to winnow out weaker arguments and focus on those more likely to prevail does not constitute ineffective representation. *Reed* at p 391. The decisions state that while ineffective representation may constitute "cause" for procedural default, the fact that defendant's lawyer failed to recognize a factual or legal basis for an assignment of error, or failed to raise a claim despite recognizing it, does not constitute "cause" for procedural default of a claim sufficient to overcome the default and permit the court to review the merits of the claim. The people respectfully submit that defendant Pouncy's conclusory claims of ineffective representation do not warrant the granting of his motion for relief from judgment. See e.g., *James by Borg*, 24 F3d 20, 26 (1994). Accordingly, this Court should conclude that defendant has not demonstrated he was denied effective assistance of counsel on appeal.

A review of the record, including the Brief on Appeal filed by appellate counsel Grove, clearly establishes that there is no basis for a finding appellate counsel was not functioning as a lawyer. Defendant's two cases were consolidated for appeal and counsel raised numerous issues, a total of nine, in the brief on appeal in the Court of Appeals. The Court of Appeals extensively reviewed defendant's claims in a 38-page opinion. Contrary to defendant's claim that the issues raised by Ms. Grove were "unsuccessful", appellate counsel successfully argued for reversal in the consolidated case, 05-17448-FC (the Haynes bench trial). There is no basis in the record to support defendant's allegation that Ms. Grove was not functioning as a lawyer as guaranteed by the constitution.

The second prong of the *Strickland* analysis requires a finding that appellate counsel's performance prejudiced the defendant to the extent that it is reasonably probable that the outcome of the proceedings would have been different. *Carbin, supra*. As discussed below, defendant's current claims do not have merit; therefore there is no probability that the appellate court would have reversed.

Finally, because defendant's current claims do not have merit, it would have been frivolous for attorney Grove to argue these issues in the appeal of right. Ineffective assistance of counsel cannot be predicated on the failure to make a frivolous or meritless claim. *People v Riley*, 468 Mich 135, 142 (2003).

Defendant has failed to establish good cause and this court should deny defendant's motion.

### **Actual Prejudice**

Defendant must also satisfy the actual prejudice analysis of MCR 6.508(D)(3)(b) to establish that he is entitled to relief. Defendant fails to establish actual prejudice for each of



his claims. "Actual prejudice" is defined by rule. "As used in this subrule, 'actual prejudice' means that, (i) in a conviction following a trial, but for the alleged error, the defendant would have had a reasonable likely chance of acquittal." MCR 6.508(D)(3)(b)(i).

The People will address the "actual prejudice" requirement as it applies to each issue raised by the defendant.

**Issue I:** The Defendant received ineffective assistance of appellate counsel and for this reason he has good cause for failing to raise the various issues set forth below.

As discussed above, defendant received effective assistance of appellate counsel. There is not actual prejudice to defendant because of the representation provided by appellate counsel Grove.

**Issue II:** The Prosecutor failed to correct the false testimony of Wayne Grimes, a key witness

Defendant alleges that witness Wayne Grimes' testimony that he had never been arrested before was "possibly" false because he had been charged for a prior crime. (Def Brief, p 6) The portion of Grimes' testimony defendant now claims was false was his explanation on defendant's cross-examination regarding a prior inconsistent statement about the carjacking. (TT, 1-27-06, p 22) Grimes told the jury that the reason he had given a different version to the police was because this was the first time he had been arrested and taken into custody and he was scared. "When I got arrested, they took me down-no, they took me to Mount Morris Police Township. I was out there sitting in a cell." (TT, 1-27-06, p 22)

Defendant, while asserting that Grimes had been charged previously, acknowledges that Grimes was not arrested for the prior offense, but voluntarily appeared in court, a "walk in". (Def's Brief, p 7). There is no evidence that the testimony of Grimes was false.

Even if the prosecution presents perjured testimony, [there was no false testimony in this case], a new trial is not always required. “[A] conviction will be reversed and a new trial will be ordered, but only if the tainted evidence is material to the defendant's guilt or punishment. *Smith v Phillips*, 455 US 209, 219; 102 S Ct 940; 71 L Ed 2d 78 (1982); *Giglio v United States*, 405 US 150, 154-155; 92 S Ct 763; 31 L Ed 2d 104 (1972); *People v Cassell*, 63 Mich App 226, 227-229 (1975). Thus, it is the “misconduct's effect on the trial, not the blameworthiness of the prosecutor, [which] is the crucial inquiry for due process purposes.” *Phillips, supra* at 220 n. 10, 102 S Ct 940. The entire focus of our analysis must be on the fairness of the trial, not on the prosecutor's or the court's culpability. *Id.* at 219, 102 S C. 940.” *People v Aceval*, 282 Mich App 379, 389-390; 764 NW2d 285 (2009).

Defendant impeached witness Grimes with his prior inconsistent statement. (TT, 1-27-06, p 22) Defendant's current claim that the witness' explanation was inaccurate did not deny defendant a fair trial.

**Issue III:** The Prosecutor allowed a police officer to place a police report containing inadmissible evidence on the ledge of the juror box where it was visible to the jury.

During the examination of Det. James Gagliardi a copy of his report was placed on the ledge near the jury. Defendant requested that the “report be removed from away from his (the witness') vision because he is continuing to look at it before he answers the question.” (TT, 1-27-06, p 228) In response the Court directed that the report be removed the ledge and commented that the jurors could see it. (TT, 1-27-06, p 228)

Defendant did not object to the possibility that a juror may have viewed the report and there is no indication in the record that any juror looked at the report. Additionally there is no record of what “report” was on the ledge and whether there was any “evidence” in the

report that was not testified to by the witness. Defendant did not object on the grounds he now asserts and did not request a curative instruction. Defendant has failed to establish prejudice.

Defendant's argument that this was an "extrinsic influence" on the jury and his citation to *People v Budzyn*, 456 Mich 77 (1997) and *Remmer v United States*, 347 US 227; 74 S Ct 450; 98 L Ed 654 (1954) are without jurisprudential significance. The witness' report on the ledge while he testified does not amount to "extrinsic influence".

In *Budzyn* the "extrinsic influence" was "(1) the juries viewed the film *Malcolm X* as a group near the end of trial, (2) the juries, or a member, were exposed during deliberations to the fact the City of Detroit was bracing for a riot in the event of an acquittal, and (3) the juries were exposed to extrinsic information, in part inaccurate, that defendants were previously members of the STRESS police unit." *Budzyn, supra*, at 92-93.

In *Remmer, supra*, after the jury had returned its verdict, the petitioner learned for the first time that during the trial a person unnamed had communicated with a certain juror, who afterwards became the jury foreman, and remarked to him that he could profit by bringing in a verdict favorable to the petitioner. The juror reported the incident to the judge, who informed the prosecuting attorney. As a result, the Federal Bureau of Investigation was requested to make an investigation and report, which was accordingly done. The F.B.I. report was considered by the judge and prosecutors alone, and they apparently concluded that the statement to the juror was made in jest, and nothing further was done or said about the matter. Neither the judge nor the prosecutors informed the petitioner of the incident, and he and his counsel first learned of the matter by reading of it in the newspapers after the verdict. *Remmer, supra*, at 228.

None of these factors are present in this case. The complained of conduct of placing the report on the ledge occurred in open court with all the parties present, there was no external contact with any juror. There is no evidence proffered by defendant to establish any contents of the report that are prejudicial to him.

Finally, the jury was instructed "you may only consider the evidence that has properly been admitted in this case; \* \* \* Evidence includes only the sworn testimony of the witnesses, the exhibits admitted into evidence and anything else I told you to consider as evidence." (TT, 2-1-06, p 83) The jury is presumed to follow the instructions as given. There is no record to support any claim that the report on the ledge contained inadmissible evidence or that the jury considered the report that was never admitted. Defendant is not entitled to relief.

**Issue IV:** The Defendant was denied due process of law because the prosecutor failed to disclose potentially exculpatory evidence in the form of a written statement of one of the complainants, Thomas Sandstrom, before Mr. Sandstrom testified.

Defendant acknowledges that he became aware of the alleged missing written statement in April 2006 during the Haynes bench trial, file 05-17448-FC. (Def's Brief, p 11) This was well in advance of his filings, both by appellate counsel and pro per, in the Court of Appeals and Supreme Court.

Defendant also fails to offer the alleged written statement. Defendant merely alleges that the written statement is "potentially" exculpatory, but he offers no evidence that the statement is exculpatory. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment [of an issue] with little or no citation of supporting authority." ' *People v Watson*,

245 Mich App 572, 587 (2001) quoting *People v Kelly*, 231 Mich App 627, 640-641 (1998). Such cursory treatment constitutes abandonment of the issue. *Id.* Without any evidence to support his claim defendant has failed to establish actual prejudice and he is not entitled to relief.

**Issue V:** There was a possible extraneous influence on the jury in the form of either discussion of a telephone call from the Genesee County jail received by one juror, or telephone calls to other jurors that require a hearing, but no hearing was conducted

As stated in defendant's motion, on January 31, 2006, a juror reported to the court that he had been contacted by phone from the Genesee County Jail. This Court inquired of the juror whether he could continue as a juror. Following questioning by the Court it was determined that the juror should be excused. (TT, 1-31-06, p 4) Defendant did not object to the juror being excused but did inquire if the juror had talked to other jurors. This Court stated: "No this juror has not had contact with the other jurors since this incident." (TT, 1-31-06, p 12)

Defendant now argues that there was "possible extraneous influence on the jury." (Def's Brief, p 13) Defendant correctly states that reversal is permitted only if the Court determines that the ex parte communication with the jury prejudiced the defendant. In this case there is no prejudice to defendant because this Court determined that there was no contact with the other jurors and the juror that had been contacted was removed prior to deliberations. Because there was no prejudice to defendant there is no entitlement to relief.

**Issue VII:** The Prosecutor made disparaging remarks about the defendant in his capacity as his own attorney.

In presenting his argument defendant misstates a material fact by claiming that defendant “did not testify.” (Def’s Brief, p 15) This is contrary to the record. On January 31, 2006 defendant stated, “I’m gonna take the stand.” He was then sworn as a witness and testified in his own defense. (TT, 1-31-06, pp 162-212)

Defendant represented himself in this trial, including closing argument. (TT, 2-1-06, pp 24-69) Defendant now argues that he is entitled to a new trial because of improper comments by the prosecutor during closing and rebuttal arguments regarding his capacity as his own attorney. This is a misrepresentation of the arguments presented by the prosecutor. The arguments made by the assistant prosecuting attorney were a proper comment of the evidence presented during trial including defendant’s sworn testimony and defendant’s closing argument. Defendant did not object to the prosecutor’s argument therefore the alleged error is unpreserved.

Preserved claims of prosecutorial misconduct are reviewed de novo to determine whether the defendant was denied a fair and impartial trial. *People v Bahoda*, 448 Mich 261, 266-267 (1995); *People v Abraham*, 256 Mich App 265, 272 (2003). Where the alleged error is not preserved with an appropriate objection at trial, review is limited to plain error affecting the defendant's substantial rights. *Id.* at 274. Further, the Court will not reverse if the prejudicial effect of the prosecutor's comments could have been cured by a timely instruction upon request. *People v Joezell Williams II*, 265 Mich App 68, 70-71 (2005).

Defendant did not object to the alleged instances of prosecutorial misconduct; therefore, this issue is unpreserved, and review is for plain error. *People v Watson*, 245 Mich App 572, 586 (2001). As the Court has explained:

The test for prosecutorial misconduct is whether [defendant] was denied a fair and impartial trial. Prosecutorial misconduct issues are decided on a case-by-case basis, and the reviewing court must examine the pertinent portion of the record and evaluate a prosecutor's remarks in context. The propriety of a prosecutor's remarks depends on all the facts of the case. Prosecutorial comments must be read as a whole and evaluated in light of defense arguments and the relationship they bear to the evidence admitted at trial. Appellate review of allegedly improper conduct is precluded if the defendant fails to timely and specifically object, unless an objection could not have cured the error or a failure to review the issue would result in a miscarriage of justice.

*People v Rodriguez*, 251 Mich App 10, 29-30 (2002) [citations omitted].

“[A] prosecutor is not required to state his arguments in the blandest possible terms and may argue that a defendant's story is unworthy of belief as long as such argument is based on the evidence rather than on matters not of record or the prestige of the prosecutor's office.” *People v Pawelczak*, 125 Mich App 231, 238 (1983). Further, the Court has indicated that argument suggesting that defense counsel was intentionally trying to mislead the jury is improper where the prosecutor “chastis[es] defense counsel and defendant's entire defense,” but is not improper where the prosecutor takes issue with specific parts of the defense, as was the case here. *People v Dalessandro*, 165 Mich App 569, 579-580 (1988). Considering the prosecutor's remarks in context, defendant received a fair and impartial trial where the remarks were made in response to defendant's testimony. *Watson*, *supra* at 586, 592-593.



**Issue VII:** The Court prevented the defendant from calling Wayne Grimes in his case in chief.

The defendant contends that this Court erred in refusing to permit him to recall witness Wayne Grimes. Such matters are within the discretion of the trial court. *People v Poe*, 27 Mich App 422, 428 (1970).

Wayne Grimes was called as a witness by the prosecution. He testified on direct (TT 1-26-06, pp 104-124) and was subject to extensive cross-examination by defendant. (TT 1-26-06, pp 124-144 and TT 1-27-06, pp 11-85).

After defendant rested and the jury was excused, this Court asked defendant what he wanted to recall Wayne Grimes about? Defendant failed to offer any specific reason for recalling the witness and only offered the vague explanation; "About just really getting' more down to the truth of this situation you know. It's just a couple questions I haven't asked him. I wasn't gonna be nowhere near as long as I was last time. I know I was a long time." (TT, 1-31-06, pp 268-269)

Based on this representation this Court ruled that defendant had extensively questioned Wayne Grimes and that defendant had failed to provide a basis "to have us to continue the same litany all over again." (TT 1-31-06, p 270)

Years after the conviction and appeal defendant now argues that he wanted to question witness Wayne Grimes about a tether report prepared by the Genesee County Sheriff Department. He did not offer this reason to the Court at the time of his request. Defendant has failed to establish that he was prejudice by the Court's denial of his request to recall the witness. The tether report that defendant argues supported his claim of innocence was admitted. Grimes did not author the report and there is no indication that he had any

knowledge of the report or its contents. Any questions of Grimes regarding the report would have called for speculation and would have been inadmissible.

This Court did not abuse its discretion in precluding defendant from recalling a witness where he had already extensively cross-examined the witness.

**Issue VIII:** The defendant's trial attorney was ineffective in failing to have competent evidence to show the shoe size of the shoe print impression left at the alleged crime scene.

Defendant alleges trial counsel was ineffective for failure to have competent evidence to show the shoe size of the shoe print impression left at the alleged crime scene was different from his shoe size.

As the Court of Appeals held in this case, "a defendant who asserts his right to self-representation has no entitlement to the effective assistance of advisory counsel. *People v Kevorkian*, 248 Mich App 373, 425-426 (2001)." (*Pouncy*, slip op p 21). Accordingly, there is no error warranting relief.

Additionally, to establish a claim of ineffective assistance of counsel, defendant must show that counsel's performance was so deficient that he was not functioning as counsel guaranteed by the Sixth Amendment, and that a reasonable probability exists that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *People v Johnson*, 451 Mich 115, 124 (1996); *People v Pickens*, 446 Mich 298, 303, 338 (1994). Stated another way, "To establish a claim of ineffective assistance of counsel, the defendant must show that counsel's performance was deficient and that there is a reasonable probability that, but for the deficiency, the fact finder would not have convicted the defendant." *People v Snider*, 239 Mich App 393, 423-424 (2000), citing *Pickens*, 446 Mich at 312 and *Johnson*, 451 Mich at 124.

The first prong of the *Strickland* test is that counsel was not functioning as counsel. There is no support in the record for this claim. Trial counsel represented defendant prior to trial, however at trial defendant took over his own defense.

Defendant first contends that trial counsel was ineffective for failure to call a competent witness on shoe size and shoe print impressions.

“Decisions regarding what evidence to present and whether to call or question witnesses are presumed to be matters of trial strategy.” *People v Rockey*, 237 Mich App 74, 76 (1999). A defendant may establish ineffective assistance of counsel based on defense counsel's failure to call witnesses only if the failure deprives the defendant of a substantial defense, i.e., one that might have made a difference in the outcome of the trial. *Id.* at 22. But a Court will not find ineffective assistance merely because a strategy backfires, or assess counsel's competence with the benefit of hindsight. *Id.*; *Rockey, supra* at 76-77.

Defense counsel's failure to investigate and call a witness does not amount to ineffective assistance of counsel unless the defendant shows prejudice as a result. *People v. Caballero*, 184 Mich App 636, 640-642 (1990). In other words, defense counsel's failure to call an expert witness in the instant case can only constitute ineffective assistance of counsel if it deprived defendant of a substantial defense. *People v Dixon*, 263 Mich App 393, 398 (2004); *People v Hyland*, 212 Mich App 701, 710 (1995), vacated in part on other grounds 453 Mich. 902 (1996). A substantial defense is one that might have made a difference in the outcome of the trial. *Hyland, supra* at 710-711. Moreover, the decision whether to call a witness is presumed to be a matter of trial strategy, *Dixon, supra* at 398, and we will not, in hindsight, substitute our judgment for that of counsel regarding matters of trial strategy, *People v Matuszak*, 263 Mich App 42, 58 (2004).

Defendant has not shown that he was denied a substantial defense by defense counsel's failure to call an expert witness. The record does not indicate that there was any expert witness who would have testified regarding the shoe size of the shoe print. Thus, this case is distinguishable from cases where trial counsel failed to present witnesses who could actually have directly contradicted the prosecution's case. See, e.g., *Grant, supra* at 493-495; *People v Johnson*, 451 Mich 115, 118 (1996). Because there is no evidence that an expert witness would have testified on defendant's behalf in a manner consistent with his theory of defense and contrary to the prosecution's theory, this court cannot conclude that the failure to call an expert witness was outcome determinative. Defendant has failed to overcome the presumption of effective assistance of counsel.

**Issue X:** There is newly discovered evidence in the form of an affidavit from Tiakawa Pierce who was unavailable at the time of the trial.

Defendant attempts to support his claim of newly discovered evidence with the affidavit of Tiakawa Pierce. (Def Ex C, attached to Motion filed July 22, 2009). The affidavit is dated November 1, 2008. Pierce alleges Omar Pouncy was not with him at the time of the carjacking on October 11, 2005. This is directly contrary to his sworn testimony at his plea and his statement in his Presentence Investigation Report (PIR). See *People v Tiakawa Leondis-Terrel Pierce*, 07-21200-FC.

Tiakawa Pierce was charged as a codefendant with defendant for carjacking and armed robbery of the Sandstroms and Brady. The warrant was authorized on October 15, 2005 but he was not arraigned on the charges until March 30, 2007. (Docket entries 67<sup>th</sup> Dist Ct FYO05C1034). At Pierce's Preliminary Exam on August 28, 2007 defendant Pouncy testified on behalf of Pierce. (PE 8-28-2007, pp 8-20) On February 14, 2008, Pierce pled

guilty to accessory after the fact involving the car jacking and armed robbery of Brady and Sandstorm. At the plea Pierce stated, under oath, that on October 11, 2005 he was in Mt. Morris Township with Omar Pouncy and Wayne Grimes when they carjacked a 1973 Cadillac and a Corvette from the victims at gun point. (*People v Tiakawa Pierce*, 07-21200-FC; Guilty Plea 2-14-08)(transcript has not been prepared but the video recording of the plea is available for the Court's review).

Additionally a PIR was prepared prior to Pierce's sentencing in which he provided a "Defendant's Version of the Offense". In Pierce's own handwriting he states, "I drove away a car during a robbery with Wayne Grimes and Omar Pouncy, the year of 2005, around October." (signed by Pierce, dated 2-22-08; Copy attached) [Pierce was sentenced to probation and is currently an absconder from probation with an outstanding bench warrant. *People v Tiakawa Pierce*, 07-21200-FC, docket entries].

The Supreme Court rules provide that before a new trial may be granted on the basis of newly discovered evidence, a defendant must show: (1) "the evidence itself, not merely its materiality, was newly discovered"; (2) "the newly discovered evidence was not cumulative"; (3) "the party could not, using reasonable diligence, have discovered and produced the evidence at trial"; and, (4) the new evidence makes a different result probable on retrial. *People v Cress*, 468 Mich 678, 692; 664 NW2d 174 (2003), quoting *People v Johnson*, 451 Mich 115, 118 n 6; 545 NW2d 637 (1996). Defendant must show each of these elements. Defendant Pouncy fails on each element.

First, the evidence itself is not newly discovered. Defendant's alleged newly discovered evidence, the testimony of Tiakawa Pierce, was known to defendant well in advance of trial. From the very beginning of the case defendant was charged as a

codefendant with Tiakawa Pierce. Thus, Pierce is not a newly discovered witness, and his possible testimony that he committed the carjackings/robberies with Wayne Grimes and Jacob Woods, not defendant, was also not newly discovered evidence. See *People v Dixon*, 217 Mich App 400, 409-410 (1996) (The defendant claimed newly discovered evidence in the form of an eyewitness that would allegedly substantiate the defendant's innocence, but the defendant knew of the existence of the eyewitness well before trial commenced.) The proffered testimony of Pierce is not "newly discovered evidence".

Second, the alleged newly discovered evidence is cumulative. Defendant Pouncy testified at his own trial that he was not involved in the carjackings/robberies. The current alleged testimony of Tiakawa Pierce, even if believed, would only be cumulative to the defendant's own testimony.

Third, witness Pierce was always known to defendant, and using reasonable diligence could have produced him at trial. From the very beginning of the case defendant was charged as a codefendant with Tiakawa Pierce. Kevin Grimes repeatedly stated that Tiakawa Pierce, along with defendant, was involved in the crimes, his statement was in the police report provided to defendant, he testified at preliminary exam, and he testified at trial. Defendant alleges no facts to support a claim that he used reasonable diligence to interview the witness prior to trial or to call him at trial. In fact defendant acknowledges that he did nothing because he did not think the witness would testify.

Fourth, the fact that Pierce may have testified at trial does not make a different result probable on retrial. If a retrial were granted the result would be the same. The fact that Pierce is currently an absconder with an outstanding bench warrant, there is no reason to believe that he would appear. See *People v Tiakawa Pierce*, 07-21200-FC, docket entries]

Additionally, if he were called by the defendant his testimony would be cumulative to the defendant's own testimony.

Based on all of the factors there is no legal basis to find that defendant has established any "newly discovered" evidence. The affidavit of Tiakawa Pierce, the plea convicted co-defendant, is contrary to his sworn testimony at his plea and his statement to this Court contained in his PIR. The People maintain that defendant has failed to establish that the alleged evidence is "newly discovered."

**Issue XI:** There is newly discovered evidence in the form of an affidavit from Quillie B. Strong that shows that the telephone number used by the person who called one of the complainants on September 24, 2005 was traceable to a person other than the defendant, contrary to the representations made by the prosecutor during the trial.

Defendant argues that the telephone number (810-836-5074) used on September 24, 2005 to call Ralph Haynes, the complainant in the Haynes bench trial case (05-17448-FC) was not his cell phone but the cell phone of a "Jacob Joe Woods". Defendant attempts to establish this irrelevant fact with the alleged affidavit of a Quillie B. Strong. Presumably Mr. Strong would testify at a retrial regarding a cell phone used on September 24, 2005.

The People maintain that defendant has failed to establish that the alleged evidence merits a new trial.

Before even applying the factors in *Cress*, 468 Mich 678, 692, it must be noted that this alleged new evidence is irrelevant. The date of the crimes at issue in the Brady jury trial and subject to challenge in this motion were committed on September 29, 2005 (Brady carjacking) and October 11, 2005 (Sandstrom carjacking). The ownership of a cell phone that called Mr. Haynes on September 24, 2005 is irrelevant. No evidence regarding the



Haynes carjacking was admitted in the jury trial. The facts surrounding the calls to Haynes on September 24, 2005 would be inadmissible evidence in the Brady jury trial.

Additionally, the brief statement in the affidavit, of Quillie Strong that he provided a cell phone with a number used on September 24, 2008, to a Jacob Joe Woods, does not even establish who used the cell phone on September 24, 2005. Mr. Strong offers no allegations of where that cell phone was on September 24, 2005 or who was using it.

Again, for a defendant to be granted a new trial based on newly discovered evidence he must show: (1) "the evidence itself, not merely its materiality, was newly discovered"; (2) "the newly discovered evidence was not cumulative"; (3) "the party could not, using reasonable diligence, have discovered and produced the evidence at trial"; and, (4) the new evidence makes a different result probable on retrial before a new trial may be granted on the basis of newly discovered evidence. *Cress*, 468 Mich 678, 692. Defendant Pouncy fails on each element.

First, the evidence itself is not newly discovered. As stated above, the ownership of a cell phone used to make calls on September 24, 2005 is not "evidence" in this case. Even in the Haynes bench trial Mr. Strong's belated offer would not merit a new trial.

Second, the alleged evidence is cumulative. Defendant Pouncy testified at his own trial that he was not involved in the carjackings/robberies. The affiant, Quillie Strong, even if believed, would not have any bearing on the events of September 29, 2005 (Brady carjacking) and October 11, 2005 (Sandstrom carjacking) and would not contradict defendant's own testimony that he did not commit the crimes.

Third, defendant offers no explanation of who Quillie B. Strong is and why he did not come forward until three years after the conviction. The name Jacob Woods was known to

defendant. Earl Brady testified that defendant identified himself as "Jacob Woods." At trial, Joseph Davis identified defendant as "Jacob Woods" and noted that he had been the one doing most of the talking. Using reasonable diligence defendant could have produced Jacob Woods (if such a person exists) and Quillie Strong at trial.

Fourth, the fact that Strong may have testified does not make a different result probable on retrial. If a retrial were granted the result would be the same. The fact that Strong was a registered owner of a cell phone used on September 24, 2005 to call another victim would not be admissible.

Based on all of the factors there is no legal basis to find that defendant has established any "newly discovered" evidence.

**Issue XII:** There was prosecutorial misconduct when the prosecutor produced a power point slide during his opening statement and closing argument that proclaimed, "Omar Pouncy is guilty." Also the prosecutor produced a slide during his closing argument referring to Mr. Pouncy as "A seller's worst nightmare." The prosecutor vouched for the credibility of Wayne Grimes. Alternatively, defendant's attorney was constitutionally ineffective in failing to object to this misconduct.

Defendant provides no citation to authority for his position that use of Power Point is error. A party "may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment with little or no citation of supporting authority." *People v Johnigan*, 265 Mich App 463, 467; 696 NW2d 724 (2005), citing *People v Kelly*, 231 Mich App 627, 640-641, 588 N.W.2d 480 (1998)."

Defendant's again states that "Mr. Pouncy did not testify." (Def's Brief p 30). This is false. Defendant testified in his own defense. (TT 1-31-06, pp 163-213)

The argument advanced in this issue is that the prosecutor improperly used “Power Point” slides in opening statement and in closing argument. The complained of slides contained the statement “Omar Pouncy is guilty” and “A seller’s worst nightmare”.

A prosecutor, like defense counsel, is free to emphasize any particular theory of the case which is based on the evidence, and is under no obligation to give equal prominence to other theories. *People v Bahoda*, 448 Mich 261, 282 (1995). Clearly it was the prosecution’s theory that defendant was “guilty”. The prosecutor did not allege that he had special knowledge. There is no misconduct in a prosecutor stating to the jury that he was guilty.

Even before the invention of Power Point presentations the use of blackboards, charts, and other visual aids at a trial were common practice and accepted. *Campbell v Menze Constr Co*, 15 Mich App 407, 409 (1968). Counsel for both sides should be encouraged to present their case in a way that will be most clearly understood by the jury. The extent to which visual aids can be used and any comment to be made by final instructions that such visual aids are not evidence rests within the sound discretion of the trial court. *People v Ng*, 156 Mich App 779, 787 (1986); *Campbell, supra* at 409.

In this case the demonstrative aid was used in opening statement and closing argument, it was not admitted into evidence or provided to the jury, and the jury was instructed to disregard any attorney arguments that were not supported by the evidence. “The lawyers statements and arguments are not evidence.” (TT, 2-1-06, p 83). Under the circumstances, this Court did not abuse its discretion in allowing the demonstrative aid at trial.

**Issue XIII:** The armed robbery instruction denied the defendant due process of law by referring to the complainants as “victims”.

Defendant argues that this Court committed reversible error by referring to the complaining witnesses as “victims” one time in the instructions to the jury because it “forecloses the jury’s consideration of whether in fact the complainants had been victims of a crime.” (Def’s Brief p 31) During the instructions this Court, using the standard jury instructions and informed the jury of the elements of the offenses. In the instruction defining armed robbery this Court used the word “victims” a single time in place of the word “complainant” or the name of the complainant. (TT 2-1-06, p 94) Defendant did not object to the instructions as given.

The Court of Appeals has already held that defendant may not allege error on the basis of misdirection of the jury because he failed to object. “Defendant also argues that Breczinski, although serving only as standby counsel, was ineffective for failing to request instructions on the defense of alibi, accomplice credibility, and mere presence. However, a defendant who asserts his right to self-representation has no entitlement to the effective assistance of advisory counsel. *People v Kevorkian*, 248 Mich App 373, 425-426 (2001). Accordingly, there were no instructional errors warranting relief.” (*Pouncy*, slip op, p 21)

There is no evidence to support defendant’s argument that the one time reference by the Court to the complainants as victims denied defendant a fair trial. At the beginning of the trial, this Court instructed the jury that its words were not meant to reflect its own personal opinions about the facts of the present case. (TT, 1-24, 2006, p 198) “It is well established that jurors are presumed to follow their instructions.” *People v Graves*, 458 Mich 476, 486 (1998).

Also, defendant did not argue that the carjackings/robberies did not occur and the “complainants” of the carjackings/robberies were not “victims”. It was and remains defendant’s claim that if the carjackings/robberies did occur that the complainants were “victims”. Defendant’s argument is that he did not commit the crime but others did. See Issues X and XI.

**Issue XIV:** Trial counsel was constitutionally ineffective in failing to produce at trial three exculpatory witnesses, Charles Smith, Willie Joyce McKinley, and Carrice Byrom, two alibi witnesses, Carrice Byrom and Helen Carr, as well as sheriff deputies in charge of the work release program, and in failing to investigate possible credit card transactions with credit cards alleged stolen from the complaining witnesses.

Defendant represented himself at trial. Any failure to call witness may not be blamed on standby counsel. The Court of Appeals has already held that “a defendant who asserts his right to self-representation has no entitlement to the effective assistance of advisory counsel. *People v Kevorkian*, 248 Mich App 373, 425-426; 639 NW2d 291 (2001).” (*People v Pouncy*, slip op, p 21).

**Issue XV:** The cumulative effect of the errors and absence during the trial of newly discovered evidence set forth above deprived the defendant of due process.

Defendant also contends that the cumulative effect of his claims denied him a fair trial. “It is true that the cumulative effect of several errors can constitute sufficient prejudice to warrant reversal where the prejudice of any one error would not.” *People v LeBlanc*, 465 Mich 575, 591 (1992). Cumulative error actually refers to unfair prejudice. *Id.* at 592 n 12. Only the unfair prejudice of actual errors are aggregated to satisfy the standard set forth in *Carines*, *supra* at 592 n 12. There are no trial errors to aggregate, which denied defendant a fair trial or caused unfair prejudice to defendant. *People v Ackerman*, 257 Mich App 434, 454

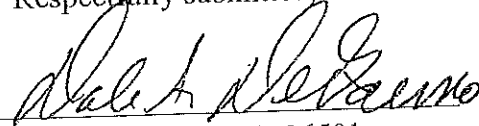
(2003). "Because no errors were found with regard to any of the above issues, a cumulative effect of errors is incapable of being found." *People v Mayhew*, 236 Mich App 112, 128 (1999).

**Relief**

Wherefore, the people pray that this Court will deny defendant's motion for relief from judgment pursuant to MCR 6.508.

Date: January 12, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale A. DeGarmo", written over a horizontal line.

Dale A. DeGarmo P 36501  
Assistant Prosecuting Attorney